Chapter 9

Contestation of Reconciliation Strategies: Community Engagement

1. Introduction

In this chapter the TRC’s interaction with the communities is analyzed, based on the primary data. As in the previous chapter, differences in strategic approaches are identified, with community members raising numerous concerns about the TRC community engagement strategy. This chapter presents the primary data on the various responses to the TRC’s community engagement strategies in the two communities observed. As with the analysis in the previous chapter, particular attention is given to differences observed between the two communities (Duduza and Katorus), between different interviewee categories (victims, ex-combatants, community leaders, etc.) and more broadly between community members and TRC staff.

The detailed reflection of the various perspectives regarding specific areas of contention (presented in this chapter and in Chapter 8) lays the foundation for the subsequent chapter (Chapter 10) which looks at the underlying principles that divided different sections of the community.
2. Contested Issues in Relation to Community Engagement

Just as with its interaction with the victims and the perpetrators, the TRC’s engagement with communities in setting up the public hearing was also a contentious process that involved many elements of disagreement.

The way in which the TRC approached the two communities and their conflict-ridden histories is examined below. After initially looking at the respondents’ perceptions of the complexity of the various divisions and tensions within the community that must be addressed by the reconciliation process, the TRC’s strategy of engaging with the community through setting up and convening the public hearing is examined in terms of the perspectives of the various role-players. This section is organized in terms of the following issues:

a) Who Needs to be Reconciled with Whom?

b) Community Engagement in Preparing for the Hearing

c) Community Ownership of the Process

d) Goals of the Hearing

e) Post Hearing Community Follow-up

a) Who Needs to be Reconciled with Whom?

There were numerous divisions that divide communities. The TRC did try to acquire some sense of a local community’s history before going in to hold a human rights violations hearing. The process used by the TRC was largely reliant on documentary research, using mainly archival sources. It also relied to some extent on the statements
collected in that community before the hearing, although there was usually little time to process these because most statement were collected shortly before the hearing.

The TRC operated within a political context. Not only were the relevant human rights abuses defined in terms of political motivation (and the amnesty only applicable to those acting on behalf of political parties), but the whole operation of the TRC was seen as operating within a party-political environment. The TRC largely defined its success in relation to its ability to satisfy (or assuage) the competing demands of the political parties. The conflicts of the past occurred within a very politicized environment, and present community dynamics (and civil society politics) are still largely dominated by political parties.

The TRC (largely because of its shortage of resources and time) was forced to remain within this party-political milieu. Its entry and interaction with the two communities studied here was largely mediated by the main political parties of the communities. It approached victims in terms of their being supporters of political parties.

Victims’ stories, however, belie any simple understanding of the divisions that exist in their communities. While the more obvious divisions between blacks and whites, between political parties and between the community and the police do come through clearly in their stories, the complexity of these relations and the many other dynamics are too easily obscured when trying to fit these communities into “the big picture” of South Africa’s oppressive past. There is also no necessary coincidence or overlap between the divisions that are illuminated by gross human rights violations and those that the public/politicians/analysts see as the deepest rifts characterizing society.
While an analysis of South Africa’s history of conflict can hardly minimize the relevance of racial forms of oppression, from this study it does not appear that human rights violations are the issue that is best suited to shed light on South Africa's racial dispensation. The race picture may become a lot clearer when looking at the victim-beneficiary relations, rather than at victim-perpetrator relations. The apartheid government was very effective in having the overt violent conflict in communities acted out through intermediaries, and to a large extent, the victims (and communities as a whole) did in fact hold these intermediaries responsible. The sense of betrayal (by those victims thought they could trust) was often stronger than the desire to locate the source of the evil (in the apartheid government). This does not mean that people do not know that the apartheid government was to blame or that they are not angry at them. One is, however, not going to clearly elicit these racial divisions and dynamics in South Africa through looking simply at gross human rights violations. Particularly among geographically segregated racial communities, there are very serious racial divisions, but the victims in Duduza, for example, do not directly blame the people in Nigel for their gross human rights violations - they blame them a lot more for their poverty and under-development (i.e., structural violence).

From the perspective of the TRC, the particularized victim-centered analysis which shifts the attention away from a black-white focus, or away from the apartheid government as the direct role player in perpetrating abuses, presents serious problems. They do not want to provide whites or the National Party with any excuse for shifting the blame onto other role players. The stories of abuse thus have to be contextualized within
a narrative that looks at the apartheid system as the central perpetrator, and the other abuses as “secondary cancers”. While this is an analysis and an agenda which is of central relevance to the promotion of national reconciliation, it is an agenda that was often perceived by victims as something that is imposed on them. While a victim may completely agree that apartheid was to blame for their suffering, their immediate goal in telling their story may be to expose particular individuals or groups in their local environment whom they hold largely responsible. The sense of betrayal by those whom the victim had previously trusted may intensify their anger or bitterness towards these members of their own community. They may also focus on these participants in their abuse because they are more easily identifiable (as individuals) and more reachable (in terms of relative power). They were not particularly concerned about how the international audience reading the final report, or even the local media label and interprets this “black-on-black” violence. They felt their voices were being silenced by those whose political agendas do not neatly overlap with their own particular recovery and empowerment needs.

For most victims, there was both a personal and a political aspect to the question of reconciliation. For those who know the identity of the perpetrator, the question of reconciliation is very starkly personalized in terms of their relationship to the perpetrator. Where the perpetrator was seen as acting on behalf of a group and serving the interests of that group, a broader political dimension was also part of the reconciliation agenda. Most victims had a sense of both components being needed, while for a few, it was simply one or the other. While the interpersonal aspects were discussed in the previous section, this
section focuses on the inter-group component of these divisions (both for victims and other categories of interviewees).

i) White-Black Relations

Addressing black-white relations was much more central in the TRC agenda than in those of community members. While most community members were concerned about black-white relations, they did not see the issue of human rights violations as the appropriate channel to address this problem.

Victims’ stories of human rights violations did not usually feature whites as central role players. The context within which the abuse happened was, however, often framed within the broader picture of apartheid and racial domination. The whites who did feature in victims’ accounts were almost exclusively police. Of the 15 people victimized by police, seven incidents involved whites as the direct perpetrators, and in another three cases whites are implicated in giving the orders for the abuses. In only two of the cases did victims openly express anger and mistrust of whites as a group.

The police always worked for the whites - I am also angry at whites. I won’t reconcile with whites; they have been too brutal. The new government has not changed anything. Some blacks are trying to reconcile with whites, but few whites are interested. [D, V]¹

¹ The meaning of the symbols: D, V, K, L, etc. are discussed at the beginning of the previous chapter.
While a number of victims expressed some skepticism about black-white reconciliation, particularly whites’ commitment to non-racialism or reconciliation, most have either somehow managed to overcome their anger or have always maintained a belief in non-racialism despite their victimization and personal experience of racism by white police. One victim (whose children were killed by the police) manages to confine her anger to white police. Another woman who was herself shot by white police initially felt afraid of whites and thought that all whites hate blacks. She, however, feels that whites have changed since the elections.

On a formal level, according to both black and white councilors in Nigel/Duduza, there were constructive relationships that have been established at the council level between black (ANC) and white (NP) councilors in the Greater Nigel Council. After an initial period of adjustment, the councilors and officials felt that, within the council, they had built up relationships of trust and respect.

The ANC and NP generally get on well, except for a few cases such as appointment of staff. Most whites in Nigel are pretty verlig (enlightened). There has been a change in mindset since the KP (Conservative Party) controlled the town. [D, L, ANC]

Racial reconciliation has been addressed in various meetings of council. Whites have apologized for supporting the old regime. They say they are shocked by TV reports of atrocities. [D, L, ANC]
There are fairly cooperative relations between ANC and NP (in the council). Most often we are able to reach consensus, and seldom have to resort to voting. There is a good level of trust. [D, L, ANC]

Previously we also did not know each other except in the context of domestic worker and gardener relations. Now we have developed friendship relations with councilors and people in Duduza. The level of trust has also improved dramatically. Initially the ANC were very wary of every proposal we made. [D, L, NP]

Racial harmony more broadly among the residents of the community was much more complex. While there was general agreement that things had changed quite significantly, the leaders of both communities were aware that much still needs to be done. Racial stereotypes of blacks among whites were also very resilient.

There is a big gap among race groups. It is mainly a question of lack of trust and the burden of the history of the past. We need to address this. There is a perception among whites that blacks lack responsibility and are lazy. To some extent this is, however, true. [D, L, NP]
Largely because of the metropolitan context of the Katorus area, the connection between the white and black residential areas was also much weaker. People did not have a strong sense that there is or should be some overarching sense of belonging to one non-racial geographic community. The boundaries that group parts of Katorus with neighboring (traditionally) white areas are largely artificial.

There was a general perception among most interviewees (and especially community leaders) that the human rights violation hearings were (correctly) aimed at addressing the violence within the black townships, and did not necessarily deal with the behavior or needs of white communities.

The Duduza hearing mainly just dealt with black-on-black violence. It was of little significance in promoting black-white reconciliation. [D, L, NP]

The hearing had little relevance to black-white relations. It would not have been appropriate to try and address it in this forum. [D, L, ANC]

I am not worried that not many whites came to the hearing. There were not really any cases in Duduza that would have highlighted racial tensions. [D, L, ANC]
They (the whites) say they are shocked by TV reports of atrocities. It is important to inform them of what really happened. The TRC is playing this role. All NP councilors were at the Duduza hearing. I think it did affect them. [D, L, ANC]

There are no serious racial conflicts. Blacks don’t have a problem with whites. It is mainly just those who were directly victimized by white police. Generally white police now treat you like a human being. [D, L]

These views contrasted with those expressed by TRC staff who view racial reconciliation as very central in their understanding of their mission, and they expressed regret about the lack of white attendance at the hearings.

There are different levels of reconciliation that will have to take place. The biggest is that between blacks and whites. [TRC]

At the broadest level it (reconciliation) means that whites and blacks should not pass each other on the street and do something hateful. It means to build racial harmony. [TRC]

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2 This is in fact not true. Only one of the three NP councilors was at the hearing. This statement is indicative of the eagerness of both ANC and NP leaders to portray their relationship in very positive terms.
Reconciliation is essentially about accepting responsibility and admitting guilt on the part (mainly) of whites. One’s apathy and benefiting from the system creates a responsibility for restitution. [TRC]

But fundamentally reconciliation means tolerance and acceptance. As long as kids are not exposed to different cultures and taught to relate, we remain vulnerable to racist ideologies. [TRC]

**ii) Police-Community Relations**

The relationship between the community and the police was a central reconciliation issue for most community members. This often centered around the continued presence of certain individuals who were known perpetrators. The TRC, while recognizing the importance of police-community relations, focused more broadly on the issue of institutional transformation, rather than individual culpability. They also appeared to have made little effort to actively engage the police in the local hearings.

The role of the police was central to most victims’ stories, either as perpetrators or as a group that was supposed to protect them from the perpetrator and bring the perpetrators to justice. While most of the Duduza cases were of victimization by the South African Police (nine of the eleven cases), in Katorus only five of the seventeen stories alluded to the SAP directly as perpetrators.

Invariably victims’ interaction with the police was negative. The police were seen by the victims as a perpetrator group or as a group that cooperated with the perpetrators (particularly in the case of the IFP perpetrators). Police who committed
abuses were not seen as individuals acting against the intentions of their leaders, but as cogs in a larger abusive machinery. While certain police, or sections of the police (white police, the Internal Stability Unit and the Security Police), were seen as particularly cruel or abusive, it was the sympathetic police who were seen as the exceptions to the rule.

Police were also targeted as victims by certain sections of the community. In Duduza, their houses were burnt down and they were chased out of the community. Individual policemen who were seen as betraying their own community were still treated with animosity.

While anger, hatred, fear and mistrust of the police were common emotions among the victims, there does seem to have been a significant shift in attitudes among many of the victims. In Duduza a new police station was built in the community after the time of the violence. The police who work there were generally seen as new police, relatively untainted by past abuses. The police who were chased out are presently (believed to be) working at the regional police station in a neighboring town or at other police stations in the region. The police as an institution was not seen as having changed dramatically, but the local police who people deal with on a regular basis were seen as acceptable.

In Katlehong a number of victims have changed their views of the police in recent years. A man who was shot by the police was initially very angry at all police and wanted to pursue criminal charges. He, however, feels that
… since the new government things have changed. I now feel different.

My son wanted to join the police. Initially I tried to dissuade him, now he has my approval. … The police have changed a lot. Now they only chase those who deserve to be chased. [K, V]

Another victim, who felt that his case (being attacked by the IFP) was not taken seriously by the police feels

… now the police have changed. They are now on foot - they talk to people. I have more trust in them. But they are afraid of criminals. They wont come immediately when they are called. The new ones don’t know their job, but the older ones are more knowledgeable. They have changed. [K, V]

Some people were, however, adamant that they can not reconcile with the police after what happened to them. Victims who were severely affected by their victimization by police were less willing to forgive:

I am angry at all police. … I can not reconcile because I am maimed for life. [D, V]
I can not reconcile with the police and the government. No reconciliation is possible, especially with the police. Reparations will, however, help reduce my suffering and my anger. [D, V]

Linked to the anger and mistrust of the police was a wariness of the whole legal system. A number of the victims were also tried for crimes they had not committed or had cases against perpetrators dropped or were mistreated by lawyers. Two people felt that they were possibly swindled by their lawyers in their court actions against the perpetrators.

In Duduza the fear of police was no longer great. Victims abused by the police were no longer afraid of these police. The community had chased the police out of the township at one point in the struggle, and many interviewees now saw the police as the ones who needed to be afraid. The situation of police-community conflict (especially driven by the same political conflict as in the past) was not seen as likely to happen in the foreseeable future.

Community leaders in Duduza also expressed perceptions of significant changes having taken place within the police. The conflict was personalized in terms of the individual police who had been implicated in the worst abuses. While some of the community leaders felt that the police who were chased out are now part of another community and have no ties to Duduza, others felt it is an unresolved problem that should be addressed, i.e., that there was a need for some form of reconciliation.
The police who were chased out have sold their houses and resettled. They are no longer interested in returning. [D, L, ANC]

The police who were chased out still want to return but are unsure if they will be accepted. They still have family living in the township. [D, L]

Former policemen in Duduza need to come back to Duduza, but until there is a forum for them to face us, their victims and ghosts for life, they will not die peacefully. [D, L]

As with Duduza, there was a sense of a general improvement in the police in Katorus. They were seen to have been depoliticized to a large extent. Tensions, however, remained, particularly in relation to individuals suspected of involvement in past human rights abuses:

Since its establishment in 1993 the community-police forum has done a lot in improving police-community relations, particularly in improving community support for police work. People understand that not all police were involved in the political violence. There were a few members who had a big hand in fomenting violence, and much of the police was through special units such as 32 Battalion. These units are no longer present. Some of the individuals implicated are still here though. [K, L]
iii) ANC/IFP

While not proving contentious with regard to different perceptions of the conflict, the perceptions of present divisions between the ANC and IFP require some brief comments. ANC-IFP reconciliation remained a key issue in Katorus. Victims were still very fearful of the IFP, and had very limited interaction with residents of the hostels or IFP areas. While the TRC’s focus was on interaction among leaders, this level of inter-communal relations appeared much improved when compared to more informal interaction among the two sections of the community.

As discussed earlier, ANC/IFP relations were only an issue among respondents in Katorus. Victims (even those of IFP abuses, i.e., nine of the seventeen victims interviewed) talked positively about reconciliation between the ANC and the IFP in Katorus. While many still had a lot of anger, mistrust and fear about the IFP, they do see reconciliation as the right thing to do. Most had observed a slow improvement in the relationship, but still saw many aspects of life that are far from normal. The threat of violence was still very close to home for many of them. They talked about mistrust between different sections of the community in general, but recognized that their own fears are greater than the general sense within the community.

I am still afraid of going to an IFP area. If they know you are not from there they may kill you. …. Others say it is okay, but I am still afraid. …. The relationship is slowly improving. People increasingly mix together. People are also now using the same taxis. I, however, still don’t. [K, V]
While most recognized the fear and mistrust (as well as the commitment to reconciliation) as mutual, some have an image of the IFP as particularly untrustworthy:

I am afraid to go to the hostel. You can not trust them. We (in the township) are peaceful. I don’t think they are. I would be afraid of attending a Khulumani meeting in a hostel. [K,V]

Most victims said they are willing to speak out about what happened to them in spite of their fear of the possible consequences. Some of their comments illustrate the tension between their fear and their desire for release from the past:

There is a need for separate treatment of cases where people identify the perpetrator. If you know the perpetrator, that means you are enemies. In some cases people were victimized by IFP people who were their neighbors, but most victims don’t know their perpetrators. [K, V]

I am afraid to go to the hostel. The perpetrators may recognize me. They may attack me again if they know where to find me. Maybe they will come after me if I make a statement. I still fear the IFP - I don’t think they are willing to cooperate. [K, V]
At leadership level there appear to be good cooperative relations among individuals from the two parties. While there is a general faith that the peace will last, they are concerned about a number of issues that might lead to a flare-up of conflict. The main concerns raised were the (non)prosecution of “warlords” and perpetrators, housing, no-go areas, development, and elections.

iv) Intra-Community Divisions

Among interviewees in Duduza who were concerned that internal divisions were a serious issue in the party and the community, there was a feeling that the TRC was not concerned with this dimension of reconciliation:

The TRC did not make full effort to reveal certain ANC acts (against community members). They do not have the capacity to cover every case, but it is important that they investigating the ANC killings of innocent people. The UDF did torture people, for example, through Kangaroo Courts. These people (victims and perpetrators) have not come forward.

[D, V]

There is more suspicion than reconciliation in Duduza. People do not have a political leadership to convey the message of reconciliation. ….

Thousands of people did not participate in the TRC proceedings in Duduza mainly due to the power struggle within. [D, L]
ANC leadership, however, present these problems and allegations simply as the accusations of jealous rivals that do not represent a significant following:

Duduza has always been a united community. Holomisa supporters are there, but nothing has come of it. [D, L, ANC]

The Holomisa issue is not important. It was started with one individual who was resentful because he blames us for losing his job. Duduza is definitely a united community. The ANC have strong structures representing the various parts of the community, even the informal sector. They have all been effectively integrated in the political structures. [D, L, ANC]

The official leadership of the ANC in Duduza presents an image of the community that is united and harmonious. Other informants present a picture that is much more conflict-ridden and filled with mistrust and anger. While there seems to be very wide support for the ANC as a party, there are a lot of questions raised about the specific individuals that have taken over the leadership positions in local politics.

Some of the causes for these divisions arise from allegations and suspicions of human rights abuses (during apartheid), some are related to allegations of coercion and manipulation of the internal political leadership elections, and others are around allegations of corruption, nepotism and inability to provide services to the community.
Superficially we are a united community, but there are many undercurrents. People are waiting for the right time. [D, L]

The present ANC local leadership is suspected of involvement in various human rights abuses. People suspect that some of them were police informers and did certain things on the instructions of their handlers. The suspicion around human rights abuse involvement is an important issue in their unpopularity. There are also many allegations of nepotism, there is a lack of consultation and communication with constituency. There is a lack of progress in job creation. They want to monopolize control. They block initiatives that they don’t control. [D, L]

Many of these tensions that were uppermost in some interviewees’ minds clearly do not fall within the TRC mandate (however broadly interpreted).

Katorus also experienced deep internal conflicts within the ANC. This is evidenced both in amnesty applications by SDU members (for the killing of twelve ANC Youth League members) and in disputes between the ANC and SANCO over nominations for the local council in 1995. These issues did not, however, feature prominently in victims’ stories, and community leaders also tried to play them down.

v) Relations between the Victims and Community Leaders/Community
Many victims felt alienated from the political leadership in their community as well as from the community as a whole. They felt that the TRC either did not take an interest in addressing problems with political leaders, or actively collaborated with these leaders to cover up these problems.

For some victims the rift between them and their leaders resulted directly from their victimization, which they saw as occurring at the hands of their own leaders. Some victims also believed that the political leaders know something or were somehow indirectly implicated in their victimization and were now trying to cover things up. For some who did not have clear political affiliation, their victimization was the result of a battle between different political factions were they were the innocent bystanders. They thus resent the political process as one that creates suffering for all in the community.

The aftermath of victimization is also a context that makes victims feel alienated from political leaders. Many victims expected the political party which they supported or on whose behalf they suffered to take care of them in some way. One person was promised that her party would help with the burial costs, some felt betrayed by the ANC’s agreement (in the constitutional negotiations) to relinquish the rights of victims as one of its bargaining chips. For most it is a question of feeling that the local political leadership is not particularly concerned about their plight.

The political process is something that many victims treat with suspicion. Many political leaders are known to be victims, but their identity from the viewpoint of other victims in the community is more associated with their role as perpetrators - they became
leaders largely as a result of being involved in orchestrating acts of coercion. Similarly, political parties are also seen to be wary of victims and their potential revelations:

Some ANC people were initially opposed to the formation of Khulumani. They feared that they would be implicated by some victims. The ANC first told people to make statements through the ANC, but victims did not see any assistance forthcoming from them and thus turned to the TRC directly. At the first hearing in our area, there was no ANC presence. The victims saw this as a lack of commitment to their needs. [NGO]

There has been some tension around the work of Khulumani in our community. Khulumani has to get approval from the ANC to work in the community, but we did not want to be seen as politically linked. So we invited the ANC and other organizations to our launch. We wanted to keep them informed but not be seen to be affiliated to them. [NGO]

Another problem experienced by victims was the separation between them and the community. Many victims also feel that their victimization had alienated them from their own communities. This was partially a question of fear and mistrust and partially a psychological process of experiencing something so extreme that others just can not relate to it.
The whole community needs reconciliation. The police had infiltrated the comrades and informers were used. We don’t trust anybody anymore. All victims are suspicious. [D, V]

I feel separated from the community. I only talk to other victims (other people ask silly questions.) Talking does help, but I don’t want to talk to the whole community. [D, V]

I feel neglected by the community - even the leaders ignore us. The government is also looking down on us. [K, V]

NGO staff also remarked on this division between victims and other community members:

There is a deep problem of separation between the victims and their community created by their experience. They feel that they are somehow different from others. [NGO]

Re-integration of victims with the community has not received enough attention. Labeling people as victims may create even more separation. There is a double association with the term victim: “hero” and “damaged.” People feel uncomfortable around them and thus sometimes tend to avoid
them. There are also cultural problems with some traditions that avoid relatives of people who are deceased. People may even prefer to not even sit next to them. [NGO]

vi) Relations between the Ex-Combatants and Leadership/Community

While there was a general recognition of the need to re-integrate ex-combatants back into their communities (particularly in Katorus), ex-combatants felt that their leaders and the TRC were not giving sufficient attention to this issue. Ex-combatants from both sides were united in their views in this regard.

One conviction that comes through strongly in ex-combatants’ commitment to peace was the resolve not to be manipulated by political leaders. Many ex-combatants felt that they had been fooled into becoming involved in the conflict. They were confused about what it was that they had been fighting for. They resented their leaders for leading them into the conflict. The members of the SDUs and SPUs paid a heavy price for their involvement. Not only did they become targets of violence, but they were exposed to extreme emotional trauma. They were mainly teenagers (some as young as fourteen) who were directly exposed to the brutality of war. Many now suffer emotional problems as a direct consequence. Furthermore, they lost out on the schooling to which they had not managed to return. Only four of the 25 interviewed had jobs, three of which were in projects dealing with SDU-SPU reconciliation.

Their anger was more directed at political leaders (on both sides) rather than the ex-combatants from the other side. Many felt that they had been neglected and sidelined after putting their lives on the line and making heavy sacrifices for these leaders.
The leadership were responsible for sending people into conflict. They have changed - now they are on good terms with each other, and we are left with nothing. [K, EC, IFP]

The leaders are protected - it is easy for them to fight. We are not protected - we are no longer willing to risk fighting. We want to plan our future, because we are suffering and don’t have jobs - we are tempted by crime. [K, EC, IFP]

I won’t vote. I am angry at politicians. All parties just feed lies. I am not prepared to vote. [K, EC, IFP]

We were forced into a situation where we had to participate in violence. We were forced to by our leaders and by the situation. We had to defend ourselves. It was easy to do at the time. [K, EC, ANC]

Fewer people will vote in the next election because we all feel we were deceived. Politicians have not fulfilled their promises. I don’t see who I could vote for. Political leaders have never taken care of us. Many promises were made to the former SDU/SPUs - but nothing has been done for us. Politicians have used the blood of the people to win. They are,
however, just after personal gain. We who did everything now get nothing. All the jobs went to the family and friends of the politicians. [K, EC, ANC]

They were also angry at the communities whom they were protecting. Again, their sacrifices and courage were no longer recognized. These people now treated them with suspicion and fear rather than with respect and appreciation.

If there is violence they need you. The community also looks to you for protection, but now they no longer respect you or protect you from the police. [K, EC, ANC]

These problems experienced by the ex-combatant youth was also recognized by those in leadership:

Youth who were involved in the conflict were too young to conceptualize what was happening. Their involvement gave them power - the power of the gun. Now it is difficult for them to return to normal life. They have suffered a loss of status and this has led to a lot of confusion. They are frustrated that not enough is being done for them after they made sacrifices. [K, L, ANC]

vii) Relations between Ex-Combatants from Different Sides
Katorus ex-combatants were mainly engaged in battles with each other (SPU-SDU), while the ex-SDU (and to a lesser extent, the ex-SPU) members were also engaged in conflict with the police. Many initiatives have contributed to an improved relationship between these groups (SPU-SDU and SPU/SDU - Police). While there was still some underlying tension among ex-combatants of the past conflict, there was a clear realization of common ground among them. Rather than being divided along the lines of their political affiliation, much of the tension is around the fact that many of them have been victimized themselves directly, or have had a friend of family member victimized. Much of the dynamics of the past conflict were driven by revenge motives, and there was a constant menace that these dynamics could re-erupt.

viii) Relations between Victims from Different Sides

The development of strong relationships between victims from opposing sides appeared to be very possible. The willingness to accept victims from the other side was expressed in both communities, but was especially endorsed in Katorus, where ANC victims felt strongly that victims from both sides should stand together.

The development of such bonds was, however, inhibited by the general fear among victims of taking risks in reaching out to the other side. The role of political leaders in maintaining divisions or not facilitating (or permitting) access appeared to be a major barrier to the development of a united voice for victims.
Similarly to ex-combatants, victims also managed to bridge the party-political differences fairly easily to discover common ground. In both communities, Khulumani played a role in bringing victims from different sides to the conflict together to explore their common interests. While in Duduza it managed to bring together people who were initially very suspicious of each other (because of being seen as supporting different sides of the conflict), in Katorus their success in reaching across the (ANC/IFP) political divide has been less. Victims, however, expressed an amazing willingness to come together irrespective of political backgrounds. There was a great sense of potential common ground:

Khulumani should represent all victims. It has an important role in bringing people together. We must share our stories and ideas and lose hatred. [K, V]

Khulumani could get all victims (from all parties) to stand together. The ANC does not look after the victims in their ranks. Victims must have a voice of their own. [K, V]

Khulumani is for all the parties. Now that we are not fighting we can stand together. The political leaders are not serving the victims’ interests - we must stand together. [K, V]
Khulumani is for all victims. It has its own political agenda. We are not able to reach IFP victims because we can not identify the victims and we fear the hostels. It would be okay for them to join us. We must sit together and make peace. [K, V]

IFP victims would be welcome to join us. We are all victims of Apartheid. I don’t blame the IFP. [K, V]

b) Community Engagement in Preparing for the Hearing

In preparing for the human rights violations hearings, the TRC did attempt to engage communities in order to educate them and involve them in the process. Given the limited time available for setting up each of these meetings, a fairly standardized procedure was used. This procedure mainly relied on liaison between the TRC and the local council. Two dimensions of contention were identifiable: i) the level of direct engagement with grass-roots, and ii) the level of TRC interaction with parties other than the ANC.

Victims and ex-combatants in both communities felt strongly that they were not properly consulted and some feel that they were actively excluded. Non-ANC political parties also felt that the TRC made little effort to deal with their concerns regarding the process.

i) The Level of Direct Engagement with Grass-Roots

The consultation process was described by a TRC staff member as follows:

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3 This standardized approach was adopted after problems were experienced in setting up the initial hearings. While there are some similarities with other provinces, the approach described here is in some ways peculiar to the Gauteng office.
Our program for setting up a public hearing uses a six-week cycle. During week one we hold a public education meeting. We use this to inform the community about the hearing. We meet with various organizations and churches to explain the process, arrange logistics and set up a committee of people who can assist. The TRC then works through this committee. We also arrange with them regarding the venue and statement taking process. We decide on venue with consideration for the victim profile and issues like public access. During weeks two and three the statement takers move in. In week four the logistics unit takes care of venue arrangements. They also arrange assistance from the local government regarding things like transport. In week five we hold the public meeting and in week six we debrief and hand things over to the local community. [TRC]

Given the limited time to engage the various stakeholders, the TRC was forced to rely on particular key members of the local communities they work with.

The TRC engages communities mainly through working with political parties. I don’t see TRC as political manipulation though. But one is dealing with a majority of people who don’t have confidence in political process. The TRC is seen as part of this process. [TRC]
At our Public Education Meetings we attempt to involve a broad spectrum of stakeholders, such as NGOs, town council, churches, etc. The goal to explain the Act, our mandate, etc. This was usually successful. Problems may have occurred where some groups were asked to invite others and some got left out. We thought we had the right people there. The Logistics Officer also contacted people or provided the contacts to council members to follow up. [TRC]

Initially the process for setting up a public hearing was very informal. It was only later that clear guidelines were developed. … We often relied on local council to identify various stakeholders, or we use friends and other contacts in the area. We also rely on provincial church structures to identify local ministers. [TRC]

Some of the TRC staff were clearly aware of the problems that such reliance on key local players holds for the process, but feel there is little they can do about it.

I realize that there is a problem with the TRC working with existing power structures. It does contribute to maintaining these power structures. If we had two more years we may have been able to circumvent this problem. [TRC]
Some TRC staff (who were not involved in community liaison) were, however, very critical of this approach:

Community consultations were problematic in that the TRC only liaises with leadership in communities. They would never go directly to grassroots. For example in Warmbaths, people saw the statement takers meeting with the mayor (who has been identified by many as a perpetrator). This creates suspicions regarding how their cases will be dealt with. People assume nothing will be done. Also in Pampierstad there is a SANCO-ANC conflict. The TRC met with ANC (other structures were supposed to be invited but weren’t). The information about TRC was not shared (by the ANC). Many did thus not give statements. This happened in a lot of communities. The TRC should have met directly with people on the ground. Official organizations do not represent victims. If you do not use someone with local knowledge, an outsider is forced to rely on official structures. [TRC]

In Duduza, the TRC contacted a range of people in the community to encourage their participation in the TRC activities. Their main conduit to the community was the local council (consisting of ANC and NP councilors). The council was, however, not effective in mobilizing community involvement. ANC leadership did not seem to have an effective process of channeling this information regarding the TRC to the members of the
organization, or to their supporters. A large part of the problem seemed to be the
demobilization of grass-roots political structures. ANC members in the community
complained that the ANC have not held public report-back meetings since they took office
in the local elections and that the Civic structures have been similarly inactive.

While the TRC also liaised with religious leaders in the community, this interaction
was mainly one of mobilizing the church structures to provide publicity about statement
taking and the public hearing. The church leaders did not feel that they were sufficiently
included in the broader TRC liaison process. Church leaders in Duduza were, moreover,
not very significant role players in local politics.

The level of public interest in the TRC was clearly very significant in Duduza (as
indicated by the attendance at the hearing). However, the majority of residents interviewed
(other than councilors and council staff) felt that they had been insufficiently informed or
consulted about the TRC process in their community.

According to two victims, the lack of transparency of TRC engagement with
various community leaders in Duduza when setting up the hearing also led to some
suspicion that they were working too exclusively with local ANC leaders. Victims were
generally angered by the lack of consultation regarding the human rights violation
hearings. Some victims felt that this was a deliberate attempt to keep a lid on certain
stories which might implicate the councilors and their colleagues. This sentiment was also
shared by some leaders:
The Commissioner who met with the ANC arranged a special deal to hide the truth. Many local ANC leaders were implicated by victim statements. They were afraid of what might come out. [D, L]

In Katorus, victims were also frustrated by the apparent political control of the hearings process. A Khulumani staff member explained her role in the process:

The TRC asked me to arrange a task group to assist the TRC in Katorus. They asked me to bring together the different stakeholders. They did not just want to meet with one organization. I contacted all the relevant parties and we set up a task group which met three times. But the TRC never gave us a clear idea of what they expected from us. The task group included IFP, ANC, SACP, Council, PAC, AZAPO, Civic, ANCYL, Ekupholeni and others. Instead the TRC negotiated individually with the political leaders. Joyce Seroka (Commissioner) told me not to worry about communicating with the hostels. She already talked to Mzizi (Thokoza IFP leader). They worked with the top leaders. The ANC leaders also know all about the TRC, but they do not communicate this with the people on the ground. The ANC and TRC should have called a public education meeting. They could have brought in someone like CSVR to hold a public education workshop. [NGO]
Other NGO staff member also expressed frustration at the apparent assumption of the TRC that victims could be represented by their political party leaders.

The needs of victims must drive the process. We need to assist victims to set up representative structures. They must be able to advocate for their needs. Victims’ needs are not properly represented through civic and political structures. People are often victimized by own party and thus alienated from the political process. When in the same meeting as political leadership, victims usually keep quiet. They don’t want to be seen agreeing with the victims of the opposite side. [NGO]

The relationship between the TRC and victims in general (and particularly the organizations which represented victims) was an area that was relatively strained throughout the TRC’s existence. At times the relationship with particular victim groups became quite adversarial, as illustrated by a court battle where some prominent victims attempted to have the constitutional court declare the TRC’s work unconstitutional.4

There was, however, a recurrent tension experienced in various communities, which also occurred in Duduza and Katorus when the TRC failed to liaise adequately with victim representatives regarding the human rights violations hearing. Some within the TRC recognize this lack of a cooperative relationship as a serious failure, while

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4 Constitutional Court Case of AZAPO and others versus the TRC (1996)
others had clearly become frustrated in their attempt to deal with an outspoken group that they felt were often unreasonable.

It is a pity that we did not work out a more dynamic relationship with Khulumani. Sometimes our relationship has become adversarial. We did not reach out sufficiently, but it must be said that offers were made that were not followed up by Khulumani. This was a loss of a great opportunity. Many communities complain that the TRC was a circus that arrived in town and then left open wounds. We should have looked at setting up structures to support victims. If this had been done early there could have been proper planning and fund raising for such programs. [TRC]

The problem in our relationship with Khulumani was that they came to TRC with non-negotiables. They are sometimes very aggressive and arrogant, even rude. They come with a sense of entitlement. Their actions serve to alienated TRC staff. Khulumani was not willing to engage and hear TRC’s views and constraints. [TRC]

While I do not have a personal problem with them, some people have, however, questioned Khulumani’s agenda. The TRC can not be seen to have an exclusive relationship with one group. [TRC]
Victims feel ambivalent about political structures. There is a culture of entitlement. People expect things to be done for them. If there is no delivery, they become angry and reject the leaders. This attitude/process leads to the break down of civil society. [TRC]

Khulumani has sometimes been drawn into the consultations. We have tried to work with them. It has been a problematic relationship because they want to have some control. They even have threatened to withhold names of victims, but they can not obstruct our work. One source of tension has been around statement taking. Designated statement takers (contracted staff) are paid R20 per statement (some of Khulumani members have been trained). Khulumani feels threatened by the TRC’s salaried statement takers. [TRC]

Early on the TRC and Khulumani had an agreement to liaise regularly. We encouraged them to link up with community structures, and told them they would be left behind if they maintained their identity of a victim group. They should rather engage with other structures. They should be part of the community - not see the political structures as the enemy. They have, however, not built these links and have come into conflict with community structures. They have also taken a confrontational stance
towards the TRC. There is, however, no direct conflict of interests between us and them. I don’t think Khulumani sufficiently understood the process of policy making. [TRC]

Another very significant group which felt particularly excluded from the consultation process were ex-combatants. Ex-combatants appeared even less informed about the TRC than victims. There was no specific conduit of information for them to access information about the TRC. Their perceptions of possible benefits from engaging the TRC were also not great. They were, however, very curious to know more about the TRC and felt that they had been excluded from the process.

Very few ex-combatants had had any direct interaction with the TRC. Only one interviewee from Duduza and one from Katorus had applied for amnesty (for a criminal act rather than a human rights abuse), and only the two Duduza interviewees and two of the Katorus interviewees had attended a public hearing of the TRC.

Some of the interviewees expressed an interest in the TRC, but were afraid of attending meetings or engaging in any way with the process as this might have drawn attention to themselves. One openly expressed the fear that a victim might point them out if he attended the public hearing. They wanted to know what was going on, but do so from a safe distance.

I have only read and hear about TRC. I have had no direct contact with them. I don’t understand the amnesty provisions. I don’t know where and
how to find out. The IFP leaders did not give us any directions. It was left up to individuals. They did not give any guidance - they should have. TRC should also have come to talk to us directly. They should have publicly advertised a meeting where they could explain things to us. [K, EC, IFP]

One SDU commander was concerned about the possible impact that the low number of amnesty applications would have:

There was agreement that SDUs would apply - but I’m not sure of the level of implementation. I am worried because many have not applied. Even more so with the SPUs. Their prosecution might lead to violence. If SDU people prosecuted they will blame their leadership for not informing them properly and assisting them through the procedure. SDUs are also not sure how TRC will judge their actions. The lack of structure and procedure means many decisions were taken ad hoc without a clear understanding of what constitutes a gross human rights violation and criteria for granting amnesty. … The SDUs in Thokoza held a meeting to discuss amnesty process. Many different opinions were voiced. Many were afraid of retaliation if particular victims are identified. Reconciliation is based on ignorance. Truth leads to retaliation. [K, EC, ANC]
ii) The Level of TRC Interaction with Parties Other than the ANC

ANC leaders in Duduza felt that the TRC had engaged in a good public participation process before holding the hearing in the community. Other community leaders felt that they had not been properly engaged by the TRC:

The TRC used the church structures to access the community. We were, however, not requested to join any committees. They mainly liaised with the ANC on things like the venue and so on. [D, L]

There was also some concern that victims were not properly prepared by the TRC. Things were not adequately explained and the fears addressed:

The meeting (to collect statements) was well advertised, but not well attended. People feared the consequences of speaking out. They need to be assured. We needed more workshops to explain the process - what to expect. People need to be encouraged to speak out. Some victims were afraid of being re-victimized. People are still scared of coming out. People are still in a lot of pain. For some it was good to tell their story to the TRC. For others it just brought back a lot of pain. Some victims are afraid because the victimizers are still in the community. They do not want to be identified. [D, L]
IFP leaders complained about the lack of serious consultations between them and the TRC:

One week before the Vosloorus Hearing, the TRC had a meeting with IFP leaders. They instructed us what would happen. It was not a consultation. They simply told us when to bring people to make statements. [K, L, IFP]

When the TRC came here, they did not inform us properly. There was just one meeting between them and us that I know of. They only asked Indunas to tell the people were to go. Most people know very little about the TRC. They made little effort to explain. [K, L, IFP]

The TRC met with IFP leaders (10-15) shortly before the Vosloorus Hearing. Their aim was simply to get statements. It was not enough time to inform victims. They just wanted us to pass on information. [K, L, IFP]

An area of some contention was the issue of involving local whites in the hearings. Initially it appears the TRC went to considerable effort to liaise with local white leaders (in other communities), but when these efforts bore little fruit and their relationship with the National Party became increasingly strained, these links were not particularly prioritized. There was, however, continued concern among Commissioners interviewed over the lack of white attendance at these hearings.
Whites were contacted through political leaders and churches. All effort was made to involve them, but they were not interested. For example, in Warmbaths there were many efforts to meet with the whites. They wanted four separate meetings for race groups, but the meetings for whites never materialized. On the Reef\(^5\) black mayors have challenged the TRC that they go on their knees to get white participation and spend less time on soliciting black input. To defuse this tension the TRC have relied heavily on church people to engage their white constituency. I don’t know if ministers communicate with their congregations though. We do invite ministers to make statements and to come to the hearings. They would, however, never come to meetings despite the publicity given to them.

[TRC]

Local people had made up their mind before NP and newspapers opposed to it. There was both a lack of interest and a perception of it being a witch-hunt. [TRC]

Despite the efforts of one of our committee members to contact the various Afrikaner churches in the towns we go to, on the day very few

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\(^5\) The Reef refers to the mining region around Johannesburg that includes the townships of Katorus and Duduza.
turn up. We always insist on addressing the council. We are undermined by the mixed messages from the NP though. [TRC]

Commissioners often expressed their regret in the media at the lack of white attendance at TRC hearings.

Attracting whites, coloureds and Indians has been difficult. Sometimes we make more of an effort than others. The venue sometimes influence this, but often, even if you hold the hearing in the white town, it still does not have any effect. Whites prefer to observe from a distance, via media coverage. [TRC]

One person within the TRC blamed the lack of contact with white communities on internal TRC recruitment policies:

There is no way to overcome the problems with white perceptions at point of hearings, because the problem is related to the way the TRC has presented itself all along. …. All job advertisements required human rights experience. By definition this excluded previous NP supporters. The existing staff have natural access to the struggle constituency. They don’t have channels to involve whites. [TRC]
He also felt that not enough effort was made to make white victims part of the process:

They made an all-out attempt to get statements from blacks. Statements from whites were not actively solicited. [TRC]

Another TRC Commissioner disagrees:

It is not the role of the TRC to make whites come to the hearings. We did try through publicity on radio and posters. Our efforts to involve whites have mainly been in areas where whites have also been victims. One of the committee members has for example, made efforts to contact farmers who suffered (e.g., land mine cases) in order for us to build a broad picture of the conflict. [TRC]

The TRC appears to have made limited contacts with white leadership in Nigel. Attempting to convince whites to become involved would very likely have been quite a struggle, considering their suspicion of TRC bias. The view that the public hearing was mainly for the benefit of black victims to tell their stories made it also somewhat irrelevant in the eyes of some leaders:
The TRC is biased against whites. Whites are the ones pressured to apply for amnesty and apologize. Blacks are the ones who are supposed to tell their stories as victims. [D, L, NP]

The hearing did not relate to whites. It only addressed issues in Duduza. [D, L, NP]

A comment by one of the TRC Commissioners appears to confirm this point:

The NP’s failure to take responsibility for its own actions has led to a lack of white participation in the TRC. This has become an obstacle to our work because victims can not forgive someone who is unwilling to acknowledge responsibility. [TRC]

c) Community Ownership of the Process

Most victims and many community leaders in both communities saw the whole process of the human rights violation hearing as something imposed on them with very little space for input from communities. In terms of the TRC’s plans, these communities were not supposed to take ownership of the process. The TRC did not see a role for any level of local control of the process. The goal was to get buy-in from local stakeholders and to get their assistance in different aspects of the TRC’s work, but not to allow them any significant power over the process.
Local leadership found this quite frustrating. They felt that they should have some say regarding the timing of the hearing, the cases that were addressed, the length of the hearing, etc. Victims also felt as if they were not properly consulted regarding key issues such as the selection of cases to be heard. In Duduza they had a (mis)perception that some community leaders were given this input in the process.

The greatest concern of most local interviewees was that the process had been too brief and had thus not been one that had given enough attention to the complexity of the local situation. It was something, they felt, that had to be done in much greater depth.

Some problems have been addressed, such as the hand grenade case, but others such as harassment by police and comrades have not. [D, L]

Most felt that the Vosloorus hearing was not the “real thing” and that the TRC could still be persuaded to have a hearing in their local community.

It was also felt that the TRC came to Katorus at the wrong time. The level of tension was still too high, particularly with regards to the eviction of illegal occupants (of occupied houses) in the area a few months before the hearing.

The TRC has not done much in Thokoza. So much happened here. We should have had a hearing. It would have contributed to reconciliation. Vosloorus was inconvenient for people to attend. [K, L, ANC]
Most of the interviewees felt that the consultations by the TRC were inadequate. They thought that the process was not responsive to local conditions. For example, the timing was wrong:

We (civic leaders) met with the structures on the ground (local civic structures). The majority thought it was not yet time for a public hearing. But we nevertheless gave it our full support. SANCO felt that the time was not yet right. There was too much tension around the issue of the displacees. One can not reconcile while conflict is still ongoing. [K, L, ANC]

d) Goals of the Hearing

The human rights violations hearings contain a complex mix of personal, community and national goals. These goals are essentially about revealing the truth, promoting healing and building new values. Rather than focusing on different goals, the different categories of respondents gave these goals a different focus.

A central distinction between these perspectives was that of the target group of the hearing - who was it aimed at and what was the relevant audience who must be considered. Most argued for a multiplicity of goals and audiences, but the emphasis appeared to differ.

The human rights violations hearings provides some insight into the question of whether victims were treated as subjects in their own right, or as objects that were to be
managed in the service of a greater social goal. For example, is the purpose of putting a victim on a public platform to tell their story

i) for them to get a sense of public recognition and acknowledgment (i.e., part of a process of individual healing), or

ii) the first step in bringing together the victim and perpetrator (i.e., part of interpersonal reconciliation),

iii) for the community to gain an understanding of the various dynamics of the conflict and clear up misconceptions of who did what to whom in the community (i.e., part of community reconciliation), or

iv) for whites to get an understanding of how blacks suffered under apartheid (i.e., part of national reconciliation).

The TRC interviewees gave the impression that all these goals can be achieved together, that they were not necessarily competing agendas. The community interviewees, however, had narrower expectations and were quite critical of the hearings’ contribution to addressing these goals.

i) Revealing the Truth

The role of the Human Rights Violation Hearing in revealing truth was central in people’s judgment of the process. Most victims in both communities felt that not enough was revealed at the hearing. Non-ANC leaders, on the other, hand felt that the TRC was only out to uncover the truth about one side of the conflict.

In the cases that were heard at the public hearing, some new information was revealed, but each case opened up more questions than it answered. In certain cases, people
now felt that they have been presented with different versions of the "truth", but no clear answers. In the case of Maki Skhosana it was perceived (incorrectly) that the TRC had made a finding that she was an innocent victim who had been wrongly accused of working for the police.  

In the Duduza hearing people were particularly disappointed by how little had been revealed. There was a very strong feeling that much more needed to be revealed. More facts needed to come out about cases that were heard, and the truth about many more cases of human rights violations still needed to be revealed. The feeling was that the hearing had not spent enough time or effort trying to uncover the truth of the cases that came before them, never mind the cases that were not heard on that day.

The TRC has not done anything in Duduza. It is purely cosmetic. At the hearing the COSAS guys (hand grenade victims) were justifying themselves to the community, but not all the information came out. [D, L]

The whole community was very interested in the hearing. People took leave from work to attend. People had high expectations, but they were disappointed because very few details emerged at the hearing. They are still expecting more. [D, L]

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6 This interpretation seems understandable when viewed in terms of the chair of the public hearing calling her and her family "heroes" and "noble", asking the audience to stand and observe a moment of silence, and blaming the police for her death.
Even in cases that were heard, the full truth is, however, not yet out. For example, in the case of Maki, we still don’t know who is responsible for starting the rumor (of her being a police informer). We suspect there was a meeting at which it was decided to kill her. The community owes her family something. Regarding the hand grenade case, the truth is out, but there are suspicions about how it is connected to Maki’s case. People suspect particular individuals in the community. It is linked to political leadership. [D, L]

Some go as far as to suggest that the lack of revelation of truth is due to some form of conspiracy, either by the ANC or by the ANC and the TRC together:

The community is dissatisfied with the TRC hearing because certain facts remain hidden. There is an ANC conspiracy to cover up, especially the hand grenade incident. One person who gave a statement contradicts evidence given at TRC hearing. [D, V]

The Commissioner who met with the ANC arranged a special deal to hide the truth. Many local ANC leaders were implicated by victim statements. They were afraid of what might come out. [D, V]

Also in Katorus there was a feeling that a lot more would have to be done:
The TRC was good because it brings to light various facts, such as the circumstances around the killing of Sam (a SANCO leader). Its shortcomings were mainly that it did not cover enough ground. [K, EC, ANC]

The audience went because … to find out what really happened, especially the role of third force/whites. People are still confused however. There was general dissatisfaction with hearing because not much was revealed. [K, EC, ANC]

One ex-combatant was, however, quite enthusiastic about the TRC’s exposure of the activities of a third force. He felt that this was important in that it placed the blame for the violence outside the community and provided ex-SDU and ex-SPU members greater potential for common ground.

We are now able to find out things that were hidden. We blamed each other for things that the government was responsible for. [K, EC, ANC]

The case of a victim testifying at the Duduza hearing who had been accused of being a police spy also introduced doubts about the TRC's commitment to truth. The victim wanted to name the people in the community who had made the accusations, but was
prevented from doing so in public. The Commissioners merely assured him that they had the names in the statement and would look into it. They did not explain why he could not give the names at the hearing.\(^7\)

Another concern about truth, was the perception among some community leaders that the TRC was only interested in hearing one side of the story, and that the way in which it was being revealed was sensationalized, and thus not reconciliatory.

It is being done for the media - turned into sensationalist frenzy. ... Now too much focus is on the political leaders. It creates the impression that it has a political agenda. [D, L, NP]

The TRC is set on persecution as opposed to reconciliation, with a few exceptions such as Tutu, who is attempting to promote peace and makes an effort to be impartial. Also on the (public hearing) panel they try to play the role of a court, but for this they need evidence from both sides. There is a danger that if they do not deal with things correctly they will increase the polarization. [D, L, NP]

A broader component of revealing the truth is to build an understanding of the dynamics of the conflict. On the one hand it is an analytical process of processing and

\(^7\) See the transcript quoted in footnote 10.
interpreting information. It also has the more relational goal of promoting an understanding of the viewpoints and experiences of one’s erstwhile enemies.

The TRC should have a hearing in Thokoza. It would help heal the wounds. People will be satisfied because they will know more about what happened. It will clear up confusion. [K, V]

It also helped unravel the complex dynamics of the conflict through recording the various violations that occurred in a particular community. [TRC]

This is the main focus of the TRC - particularly Tutu’s role. Community reconciliation has been addressed through local hearings were we identify local patterns. [TRC]

This common understanding was seen as helping a common memory of the past emerge.

The hearings are helping a common memory come into existence, even for whites. For example, at dinner parties people do talk about it. Its main impact will be on daily working life. There has been a national process of listening to victims. This has, however, been confused with actual
reconciliation. It sometimes brings about anger and guilt. It thus needs further work. [TRC]

The question of whether the hearings contributed significantly to greater empathy for previous enemies was not clearly answered by the interviews. Many victims were skeptical of some of the stories that were told. One victim’s story in Duduza was commonly questioned regarding whether it gave a full account of what happened. In Katorus, one victim also relates,

I went because I thought maybe I would get the opportunity to tell my story. I also wanted help in giving a statement and getting assistance. I heard an IFP man’s story. I think he was lying. He told of getting many injuries but he looked fine. [K, V]

One victim did relate feeling increased sensitivity to the suffering of the other side,

I did appreciate victims telling their stories. … With regards to the IFP stories, I feel ashamed for them, but I ask myself: do they feel ashamed for me too when they see me (in my disabled state). It was good to hear both sides. [K, V]

ii) Catharsis/Healing
While the TRC emphasized the therapeutic value of public testimony, the value of this was found by victims to be quite limited. Rather than seeing the hearing as a healing event, they approached it as a step in a longer-term process.

Most victims interviewed did feel a sense of relief after telling their stories at the TRC hearing. This should, however, be seen as a beginning of a process that needs to be further facilitated. The rest of the healing process does not unfold by itself once an initial outpouring has occurred. This is true both at the psychological and social level. In the case of Maki Skhosana (who was necklaced on suspicion of being an informer), for example, the victim's sister who testified at the hearing welcomed a suggestion by a Commissioner that the TRC possibly bring together Maki's family and Maki's killers. This suggestion was, however, not followed up by the TRC. While the victim's sister felt vindicated by the hearing, she still felt an unresolved tension between her family and those involved in her sister's death.

The TRC also held out the prospect for some form of vicarious healing by other victims who attended the public hearing. However, most victims who came to the hearing did not feel that their stories were represented by those who testified. The hope that people in the audience would identify with those on stage and thus share in their catharsis does not seem to have been fulfilled in these communities. Each victim felt their story is unique and requires special attention. Each victim had a different mix of interests. They may all have agree that apartheid was the central element in their victimization, but their reconciliation involved different local role players whom they think should be held accountable. Their
story could not simply be encapsulated by a general narrative as presented by the various other victims on stage.

There was general agreement that the hearing did benefit individuals who got the opportunity to testify. This was mainly apparent in the case of Maki’s sister as she herself explained:

After I had told my story the Commissioners asked the hall to stand and observe a minute’s silence. I was surprised that nobody hesitated. It was very meaningful. Some people called me after the hearing to ask that I forgive the community for what they had done to the victim (her sister) and the family. People in the community had treated the family with suspicion for a long time.⁸ [D, V]

Others in the community also saw this as a significant impact in this case.

The hearing was a success. I noticed that victims felt very relieved. Now Maki’s sister is more relaxed and accepted by community. The suspicion was cleared up and the stigma attached to family has been removed. [D, L, ANC]

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⁸ Duduza HRV Hearing (February 2, 1997) transcript:
In the Maki case, the hearing made it clear that she was incorrectly targeted. There was an indication from the community that they are sorry for blaming the family. [D, L, ANC]

The TRC was itself very impressed by the impact its hearings have had on the catharsis for victims:

The enormous contribution made by the hearings must be recognized. It gave people the opportunity to unburden themselves. It helped them confront their own violence. [TRC]

One important goal for many victims was that the perpetrators should hear their stories. The perpetrators must know the suffering that they had caused.

All the victims want a hearing here in Katlehong because so much violence happened here. A public hearing would help to communicate the pain to those who were responsible for it. [K, V]

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Evelina Moloko: Now, this is a very painful situation because there were a lot of rumors flowing around, they branded us a family of informers. Now, there is usually no smoke without a fire.
From the TRC perspective this understanding of victims’ experiences was also relevant for the country as a whole, particularly for beneficiaries of apartheid who still do not see that reconciliation has a price.

The TRC has managed to build a public understanding of victim perspectives. There is a more general understanding that people were placed in a situation where they were forced to confront the government - it was a struggle for survival. We have helped them tell their stories in such a way that others can appreciate the need for sacrifice - reconciliation requires people to make sacrifices. [TRC]

Another tension that arose in the hearings was between the goals of healing and truth. While attempting to promote victim healing through also allowing the victims an opportunity to relate their stories, the Commissioners, at the same time were attempting to ascertain the truth, and thus were forced into an inquisitorial role of questioning the victims’ stories. While they tried to do this in a sensitive manner, these goals were clearly not compatible. An example of this is the testimony of necklace victim, Maki Skhosana’s sister. After she had testified about the gruesome killing of Maki, the first question she was asked was whether there was any truth to the rumor that her sister was
an informer. While this was asked in a very sensitive manner, it does appear quite contradictory to a healing orientation.9

iii) Promoting New Values

The TRC also saw the public hearings as a forum in which new social values are communicated and encouraged. These efforts were welcomed particularly by community leaders. Most victims supported the TRC’s calls for forgiveness, with only a small minority feeling that this was an imposition.

While the goal of changing values may seem like an extremely ambitious goal for the TRC to pursue in one day, most of the victims had been exposed to significant coverage of other TRC hearings through the media.

The operation of the TRC and the issues it raises for victims in terms of testifying, amnesty and reparations, has assisted victims to engage with the ideas of justice and reconciliation in a way that was not previously possible. Victims were able to express their feelings and ideas because they had been confronted with different possibilities and had been given opportunities to discuss these with other victims. While most people claimed that their views had not altered much since the start of the TRC, their views had, however, become more clarified.

9 Similarly, after the testimony of the Duduza resident who was tortured by the police, he was questioned about his knowledge of the death of the white nurse who had died on the outskirts of Duduza. A hostel leader from Thokoza who was shot (and whose brother was killed) was also challenged during his testimony regarding the involvement of hostel dwellers in attacks on the township, and on the relationship between the IFP and the police (Testimony of Johannes Dhlomo, Vosloorus HRV, February 7, 1997)
One victim was, however, explicit in explaining that his views have been altered by the work of the TRC.

At the time of shooting I wanted revenge. Now I don’t want revenge any more. …. Revenge is useless - it causes more violence. I changed when I saw the TRC every Sunday (regular show reviewing the TRC’s activities). The TRC has changed the way I see revenge. Now I just want an explanation.

[K, V]

Some of the leaders were also very hopeful of the impact of the TRC on the way people view the conflict and their erstwhile enemies.

At a national level, the TRC got people from both sides to admit they did something wrong. There are still divided opinions about how to deal with past perpetrators, but people are now more united in agreement to put the past behind them and get on with life. [D, L]

NGO staff were also positive in their evaluation of this broader objective of the TRC:
They have, however, set in the mind of the nation that there is a possibility of forgiveness, reconciliation and healing. [NGO]

iv) Providing an Understanding of the Conflict

Part of the TRC’s express purpose for the hearings was to provide the victims and the community with a more detailed understanding of the conflict that had happened, and to promote greater commonality of understanding among the different groups.

The Commissioners thus attempted to promote a contextualised understanding of the individual incidents within a local (and broader) history. This was, at times, viewed as an imposed political narrative by victims, either because it approached their suffering in a manner that created a political logic of the event, or that placed political responsibility for the suffering on their own side. The testimony of an IFP member at the HRV Hearing in Vosloorus who recounted the death of three brothers (two shot by police and one by township youths) illustrates this tension:

DR RANDERA: Okay I just want to ask, to remind ourselves of that time that Mr Molotshwa, on December the 2nd 1990, 30 people died in Tokoza and it's alleged that there was an attack by hostel dwellers on the residents. Do you remember that?

MR MLOTSHWA: No I do not have any recollection of that. I'm a church goer so maybe I was in church when all this happened.

DR RANDERA: Sorry I'm just trying to complete the picture because I'm sorry to have heard about your brother and your brothers in law, but I think we just need to understand what was happening, there was a war situation. As I said 30 people actually died, residents of Tokoza who were attacked by hostel dwellers on the second of December. On the 3rd of December another 19 people died and this time it was because Phola Park
residents attacked hostel dwellers. By the fourth of December it is said that 85 people were dead. So in two days 85 people died and it is in that atmosphere that your brother and your brother in law got killed, is that right?

MR MLOTSHWA: That is what I heard but since I'm not interested in that I'm talking about my own side of the story. I don't want to tell you about something that I do not know or something that I’ve heard of, I'm telling you about my own experience.

DR RANDERA: Have you ever been a member of the IFP?

MR MLOTSHWA: I am a member of the IFP.10

**e) Post Hearing Community Follow-up**

A common criticism by community members and NGO staff was that the TRC was a one-off intervention without any real attempt at building sustainable processes. The TRC did make some weak attempts to follow-up on the community hearing, but saw the churches and NGO sector as doing the long-term work around reconciliation. These attempts at handing over responsibility were, however, dismissed by most as ineffective or insincere.

In an attempt to follow up on the community issues that emerge during the public hearing and to liaise with the community on the way forward, follow-up workshops were organized in various areas.

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10 Transcript of Vosloorus HRV (February 2, 1997)

At the end of the testimony, another Commissioner also commented:

we appreciate you coming and sharing those experiences because they are not always easy to speak about. But I think you must also appreciate the job that we have to do, that while we clearly sympathize with what has happened to you personally, there is a need for us, if we're going to do our job properly to try and understand the background against which these violations took place, the context, the different political motives, the political perspectives and the reason why that's important for our work is because we have to make recommendations at end of the life of the Commission, and we also have to try and ensure that mechanisms are put in place which can prevent this kind of thing happening again ...
Initially it was felt that the Reparations and Rehabilitation Committee would be more responsible for reconciliation. In other words, the Human Rights Violations Committee would do more of the exposing of pain at its hearings, and the RRC would look at healing in the follow-up workshops.

[TRC]

There was only one follow-up workshop organized for the whole of the East Rand area in Gauteng. In addition to the two communities studied, this workshop also catered for numerous others, covering a total population probably in excess of two million. The workshop was scheduled for one morning two and a half months after the human rights violations hearings. The workshop only provided enough time for various Commissioners of the TRC to give feedback on their progress, and for various individuals in the audience to make a brief input. There was no discussion about the way forward, or remaining needs of the communities. The only people who attended these workshops from Duduza and Katorus were victims and Khulumani field workers. Political leaders were conspicuous in their absence. They did not feel that the workshop served much of a function.

Actual community intervention in disputes that still require some form of facilitated dialogue or mediation was something that the TRC tended to shy away from. While there were a few instances where the TRC facilitated community-wide engagement in mediation processes, and others where they helped facilitate direct victim-
perpetrator meetings, these were isolated events. Neither Duduza nor Katorus experienced this form of TRC engagement. Most TRC staff felt that, while this would have been appropriate, there simply was not enough time or resources to engage in such intensive intervention work.

The TRC does, however, not have the resources (mainly time) to do this (community reconciliation intervention) systematically. Some feel this should be the TRC’s role and should be pursued systematically. The original intention of the follow-up workshops was to facilitate this type of reconciliation process. Logistically this was very difficult though, and the purpose was changed. [TRC]

TRC is now mainly responding simply to individual requests for support in setting up initiatives to take the work further. We are wary of trying to initiate anything. There was the debate about whether we should be an implementing body or not, but as time runs out we focus more on simply getting the basic tasks done (report, findings, information management). We give support and back-up to what comes from churches and other organizations. [TRC]

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11 Some regional offices like the Cape held follow-up workshops in each community were a hearing was held two weeks after the hearing.
The TRC saw its role mainly as one of handing over problems it identified (therapeutic needs, further story telling opportunities, victim-perpetrator mediation, community conflicts, etc.) to church and community structures to follow-up. It thus saw its own task as one of initiating processes of reconciliation that are followed through by other organizations.

The TRC closes its doors in December. Many people, however, still want to talk. There is a need for further opportunities for public talking. Before looking at reconciliation, we need to ask whether we have really given everyone the chance to talk. [TRC]

Each victim needs some form of personal catharsis, but it is important that it is in a group, not just a therapist that listens to the story. The pathology of secrecy also has to be broken. Victims must be able to tell their stories not only to those they trust. Only this more open sharing will really restore their dignity. Other forums would also be free from the legal restraints placed on the TRC. It would also be open to any type of victim - not just gross human rights violation victims. [TRC]

The conflicts identified in the hearing at Vryburg is something that we have handed over to the SACC to take further. Commissioners have used their links with the SACC to initiate things informally. [TRC]
One reason that these two communities were selected for this study was that they were the subject of significant victim mobilization at the time of the hearings. There was a lot of concern that this mobilization would not be sustained after the hearing and that victims’ voices would thus again become silent.

After the TRC left Duduza, the enthusiasm of most victims for ongoing collective action started to wane. Initially there was an attempt to sustain a victim-support group in the community and to try and persuade the TRC to return to Duduza to hear the outstanding cases. It became clear, however, that this was not possible for the TRC. Most victims increasingly felt that there was no longer space for them to influence the course of the TRC or make an input regarding the handling of their own case. Their voice was unlikely to be heard. They felt increasingly despondent about the likelihood of investigations happening, and started having strong doubts as to whether reparations would be forthcoming. One of the TRC Commissioners expressed deep regret about the lack of support to victims in this regard.

One of my biggest regrets is that we do not have sufficient victim support groups, as for example, they had in Chile. This is particularly important for people who need to speak out. They don’t need to do it at the TRC. Another forum would also serve this purpose. [TRC]
In some communities with which the TRC engaged, the local churches were effectively mobilized to deal with victim needs, and national church structures such as the South African Council of Churches (SACC) developed longer-term victim support and reconciliation intervention strategies.

The SACC role can not end with the TRC. Reconciliation is a long-term process. Building a new society - requires a new vision from the church. We can not build a society on a foundation of bitterness and hatred. The TRC is okay - it is naturally limited by being a political body. It has, however, offered the churches an opportunity to minister. Because the TRC engages victims and perpetrators who belong to the church, we as the church must stand alongside these people - support them. We have a responsibility as peacemakers. [NGO]

There is now a new role for the church. The church was always providing a lead in the days of apartheid. When democracy came it left clergy without a clear direction. This paradigm shift requires a new vision from the church. It also means that the clergy should have new skills. Skills training through workshops in listening, counseling and community building is needed. [NGO]
Churches have a serious post-TRC responsibility. Not all victims would have been assisted. We still need to promote a culture of reconciliation. The whole issue of addressing economic disparity between victims and perpetrators is also problematic. If the perpetrator is living well, it is seen as being at the expense of the victim. This will contribute to continued hatred. [NGO]

Other NGO staff were, however, less positive about the role played by the TRC in coordinating with them to deal with the needs identified during the TRC interventions. This was also reflected more broadly in a study conducted by the author on the relationship between the TRC and NGO staff in other parts of the country. Some saw the TRC as descending on a community, stirring up emotion and trauma and then moving on without leaving any process in place to deal with the turbulence that it leaves in its wake. It was noted that there was the very real danger that revealing truth can lead to more anger and deeper divisions. Interviewees in this study characterized the intervention of the TRC in quite negative terms.

The TRC goes into a community like a circus. They open up the past and then leave the sores open. They do not provide any assistance in healing these sores. Peace organizations are the ones who have the skills to help with this.

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12 See van der Merwe, H., Brandon Hamber and Polly Dewhirst (1998) for more details.
The TRC has helped unleash stories of trauma, but because of their limited time frame and resources they did not put anything in place to deal with these open wounds. There is now a big vacuum. They made no plans to fill this need. They should have communicated with NGOs on developing a coordinated strategy. It is ridiculous.

The TRC has generated social and political conflict. This was to be expected because, in our circumstances, the goal of truth and reconciliation are often contradictory. Uncovering details of past abuses gives rise to hostility from both perpetrators and survivor communities. This is unavoidable and has to be managed in ways which lie outside the TRC’s mandate.

The TRC used individuals' stories of trauma as a doorway to reveal national truth and trauma, but individuals' needs were not addressed.

Those NGOs interviewed in the above-mentioned study believed that the process of unleashing the stories, revealing the hidden traumas and uncovering latent tensions was also a positive contribution in that it had started the ball rolling. The lack of coordination between the TRC and NGOs had not always allowed for effective follow-through, where NGOs could pick up on the community needs identified through the TRC
process. It was felt that there was a window of opportunity for NGOs to step in and do more effective intervention work with these communities, but the lack of hand-over strategy (that should have been devised at a very early stage), or the question of whether NGOs have the capacity to do this, had not been addressed.

3. **Stakeholder Divisions over Community Engagement Strategy**

The various lines of division identified in this chapter are (simplistically) summarized in the following table.

**Table 9.1: Stakeholder Divisions over Community Engagement**

<table>
<thead>
<tr>
<th>Community Engagement Strategies</th>
<th>Community</th>
<th>TRC</th>
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<tbody>
<tr>
<td></td>
<td>Victims</td>
<td>Ex-Combatants</td>
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<tr>
<td>a (i)</td>
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<td>X</td>
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</tbody>
</table>
The strategic issues referred to are:

a) Who Needs to be Reconciled with Whom?
   i) White-Black Relations
   ii) Police-Community Relations
   iii) ANC/IFP
   iv) Intra-Community Divisions
   v) Relations between the Victims and Community Leaders/Community
   vi) Relations between the Ex-Combatants and Leadership/Community
   vii) Relations between Ex-Combatants from Different Sides
   viii) Relations between Victims from Different Side

b) Community Engagement in Preparing for the Hearing
   i) The Level of Direct Engagement with Grass-Roots
   ii) The Level of TRC Interaction with Parties Other than the ANC

c) Community Ownership of the Process

d) Goals of the Hearing
   i) Revealing the Truth
   ii) Catharsis/Healing
   iii) Promoting New Values
   iv) Providing an Understanding of the Conflict

e) Post Hearing Community Follow-up

The table simply points to the most clearly identifiable divisions among the positions held by the parties.  

These 16 strategic issues were subject to varying levels of contention. On three issues no clear lines of division were identifiable. The other issues were all subject to certain lines of discernible contestation among stakeholders.

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13 As with the table at the end of the previous chapter this table indicates the positions taken by different parties on particular case management strategies. The table is a simplification of the strategic contentions in that it shows the conflicts in a linear manner, with “X”的 and “O”的 indicating positions towards the respective ends of each continuum. In many cases, one or more stakeholder group did not take a clear position, or was so internally divided that a general position (either X or O) was not assigned. The table thus gives an indication of which stakeholders were in broad agreement and which ones disagreed about specific strategic issues.
As in the previous chapter, the main line of contention was between the TRC and other community stakeholders, with victims representing the most outspoken critics of TRC strategies.

Of the 13 contended issues, 12 issues pitted the TRC against one or more community stakeholder groups. In nine of these cases, they were opposed by more than one stakeholder group, and in four cases they were opposed by all community stakeholders. This represents a very similar pattern to the lonely stand the TRC took regarding case management as described in the previous chapter. The one difference regarding community engagement is that the TRC was supported in its position by ANC leaders in five of their positions, and by IFP leaders on one issue. Such overlap with a community stakeholder was identified in relation to only one case management issue.

The TRC’s strategies for community engagement thus received significant support from the ANC in the way they engaged with the communities. This support was, however, at the expense of collaboration from the other political parties. The NP and IFP leaders both opposed the TRC position on seven strategic issues, while only one area of commonality was observed.

As with the previous chapter, minimal differences between the positions taken by stakeholders in the two communities were observed. Despite the marked contrast in the history and current dynamics of the two communities, very few differences were observed between Duduza and Katorus, either in relation to victims in the respective communities or in relation to political leaders. Victims generally had the same concerns about the TRC and their own leaders and similar orientations toward the reconciliation
process. The most marked difference between the communities was the level of suspicion around the agenda of the TRC (and its relationship with local ANC leaders) in the coordination and facilitation of the human rights violation hearing in the community in Duduza. This appears, however, to be more of a matter of degree of suspicion rather than a substantive contrast.

4. Conclusion: Contestion and Agreement regarding Strategies

When putting together the information from the two chapters on strategic contention, it is clear that almost every aspect of the TRC’s intervention met with some level of suspicion or opposition from victims. Of the 27 areas of strategic contention identified in this chapter, 20 involved divisions between victims and the TRC. In eight of these cases, all community stakeholders were jointly pitted against the TRC, and one or more group of community leaders were also often at odds with the TRC (13 cases).

The TRC position was in conflict with those of one or more community stakeholder in 23 of the 27 areas of contention. In a minority of these cases the TRC were, however, supported in their position by one or more of the stakeholders. In five cases their position was shared by ANC community leaders and in one case by community leaders more generally.

In the seven cases that did not involve victim-TRC contentions, the lines of division were IFP versus ANC leaders; ex-combatants versus TRC/community leaders; victims versus IFP and ANC leaders (two cases; victims versus community leaders and
ex-combatants; IFP and NP leaders versus the TRC; and IFP and NP leaders versus TRC and ANC leaders.

The deepest divide appears to be between victims and the TRC (20 cases). Victims were also often pitted against one or more grouping of community leaders (eight cases).

A more general pattern, though, is of divisions between community stakeholders and the TRC. Victims are often the most outspoken critics of TRC strategies, but they are generally supported in their positions by other stakeholders from the community or from NGO staff involved in TRC activities. The TRC, while sometimes having the support of community leaders, generally stood alone. Internal divisions within the TRC regarding their position were also, however, sometimes quite stark.

One way of summarizing the two tables representing the various stakeholder divisions over strategy (tables 8.1 and 9.1) would be to add up the various times that specific stakeholders were in disagreement with each other. The first row of the table thus shows, for example, the number of times that victims took contrary positions to the TRC, ANC leaders, etc.

<table>
<thead>
<tr>
<th>Table 9.2: Number of Contested Issues among Stakeholders</th>
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14 It should be kept in mind that this is a simple enumeration exercise that does not necessarily give a clear indication of the level of contestation. Some issues were much more intensely contested while others were more low-level disagreements. The table is thus simply an indication of the range of issues that were contested rather than the level of tension among the various stakeholders.
From this table it is clear that the TRC positions were the most seriously contested. Their position was most intensely opposed by the victims (20 issues), followed by NP and IFP leaders (13 and 12 issues respectively), ex-combatants (10) and then ANC leaders (eight).

Victims were generally in conflict with the TRC, but came into conflict with ANC community leaders on only seven occasions, and even less with other stakeholders. The only other significant contention was between ANC leaders and IFP and NP political party leaders (five and four issues respectively).

In the relationships which display a lack of conflict, one can not, however, simply conclude that there was agreement. In many cases certain parties did not take a clear stand, or were internally divided. A similar table can be constructed regarding the number of issues on which parties in fact agreed.

Table 9.3: Number of Commonalities in Strategic Positions of Stakeholders
When looking at the level of strategic overlap or possible areas of consensus, the most obvious pattern is the affinity between the various political party leaders. The strongest overlap is between the NP and IFP leaders who took similar positions on 14 issues. This is closely followed by the overlap between ANC and IFP positions (12 issues). Even the ANC and the NP leaders have a significant level of commonality (nine issues).

There were significant overlaps between all community stakeholders with at least nine areas of commonality identified in each pairing. This contrasts markedly with the TRC’s isolation. It only had six areas of overlap with the ANC leaders, one with the IFP and one with ex-combatants. There were no identifiable overlaps between the TRC’s positions and those of the victims and NP leaders.

While this analysis exposes the more superficial differences in positions adopted by the various parties, it does not shed much light on the underlying motives or values of the parties. Different stakeholders may thus hold similar positions and adopt positions
that align them to other stakeholders (e.g., the overlap between victims and NP leaders),
but their underlying motives in opposing the TRC’s strategies are vastly different.

To examine these underlying differences, the next chapter thus explores the
principled positions of the various stakeholders - the reasons they give for adopting their
positions. Superficial similarities are thus seen to obscure some fundamental differences
among the parties.