

**KIRS, Eszter<sup>1</sup>:**

### **Bridge between the period of violence and the peaceful living together. Thoughts on the reconciliation process in South-Africa**

*“The survival of our people in this country depends on our co-operation with each other. My plea to you is, help people throw their weapons away... No person’s life is a waste. Every person’s life is too precious.”<sup>2</sup>*

#### **“Just war” or a chain of crimes against humanity?**

The apartheid-system in South Africa existed as official policy from 1948 till 1992. People were classified into white, Bantu (black), “coloured” (mixed racial) and Asian racial groups. The group of white people amounted to 8 percent of the population, who were mostly descendants of Dutch, German and French immigrants. The Bantu layer included further ethnic groups: beyond the bigger tribe of Zulus, Xhosas and Sothos belonged to here the Tswana, Venda, Swasi, Pedi and other minorities.<sup>3</sup> In numerous fields of life this classification determined the rights and obligations of people.

One of the main aims of the government’s policy was to over-emphasize the differences among the various ethnic groups, to turn them against each other, ensuring its own political and economical power. They made an effort to sharpen the differences also among the black tribes (so that they will deal with fighting against each other and will not turn against the government). On the other hand, the differences took shape mainly between whites and blacks.

Legal frame was ensured for the policy of distinction as well. Extremely disadvantageous laws were created related to the black population also compared with the situation of coloureds and Asians. This aim was served by the 1950 Population Registration Act and the Group Areas Act, which declared obligatory residential segregation. Further norms with discriminative content appeared in the labour-control legislation, the 1953 Bantu Education and the 1959 Bantu Self-government Act. This latter act served as a ground for the “Grand

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<sup>2</sup> Van der Merwe, Susan. Final report of the Truth and Reconciliation Commission. Par. 88. In: *Summary and Guide to Contents*. [www.polity.org.za/pdf/TRCSummary.pdf](http://www.polity.org.za/pdf/TRCSummary.pdf)

<sup>3</sup> South Africa, a Society in Transition. [www.southafrica-travel.net/pages/e\\_heroelk.htm](http://www.southafrica-travel.net/pages/e_heroelk.htm)

Apartheid"- policy (which restricted the political rights of black people to a large extent) of Prime Minister Hendrik Verwoerd and his successors belonging to the National Party.<sup>4</sup>

Beyond the fact that black people did not have the rights of association and assembly, did not get to appropriate medical care and education. For instance, one doctor, who appeared in the village weekly, was responsible for approximately 40 thousand black persons. In the case of white people this rate was 500 persons per doctor. The possibilities for education were ruled after racial considerations as well. The "Bantu education" prepared students mostly for subordinate positions. Black, coloured and Asian students found closed gates at most faculties of universities.

It was prohibited to enter "non-black" territories without permission. In some suburbs only a railway separated the "two worlds", between which there was no thoroughfare after 9 p.m.<sup>5</sup> Mixed marriages were prohibited. There were approximately 200 thousand people, who were arrested on racial ground, and most of them were submitted to frequent torture.<sup>6</sup>

The entirety of the atrocities covered the notion defined in the 1973 Apartheid Convention, after which all policies based on racial discrimination and segregation, or any similar practice can be qualified as apartheid.<sup>7</sup>

On the other hand, the atrocities against the black population did not stay without reaction. In the apartheid-era a not less aggressive resistance was born on the side of black people, and the majority of them believed that every difficulty and problem in South Africa derives from the appearance of apartheid. In this way many people of them thought that their fight against apartheid can be considered as "just war", and the period of mutual attacks began. The attacks against white people occurred also to a large extent. Many white families were afraid of being attacked by their own black employees. In this way numerous white persons, who did not support the apartheid-system previously, started to look at the resistance movement as one led by evil purposes; and at the fight against the resistance forces as "just war".<sup>8</sup> A two-side violence system was born, which undermined the possibility of peaceful living together. Although the changes at the end of the century made it possible to democratise the institutions, but a whole theoretical turn is needed on the side of single persons for a real reconciliation.

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<sup>4</sup> Henrard, Kristin: Post-Apartheid South Africa: Transformation and Reconciliation. [www.findarticles.com/p/articles/mi\\_m2393/is\\_1\\_166/ai\\_106560181/pg\\_1](http://www.findarticles.com/p/articles/mi_m2393/is_1_166/ai_106560181/pg_1)

<sup>5</sup> Dél-Afrika népessége. (Population of South Africa) [www.del-afrika.hu/nep.html](http://www.del-afrika.hu/nep.html)

<sup>6</sup> *South Africa: The South African Truth and Reconciliation Commission*. In: Strategic Choices in the Design of Truth Commissions [www.truthcommission.org/commission.php?lang=en&cid=3&case.x=42&case.y=7](http://www.truthcommission.org/commission.php?lang=en&cid=3&case.x=42&case.y=7)

<sup>7</sup> Apartheid Convention. 30 November 1973. Art. 2

<sup>8</sup> Gibson, James L.: Overcoming Apartheid: Can Truth Reconcile a Divided Nation? [www.ijr.za-Monograph\(2\).pdf](http://www.ijr.za-Monograph(2).pdf) page 16

## **Years of changes, the establishment of the Truth and Reconciliation Commission**

As a consequence of political turn in the 1990s and the intensive negotiations between the National Party and the African National Congress, the Interim Constitution was born on the ground of political compromise in 1993. The issue of amnesty was ruled by the document in a special way. After its provisions the former perpetrator, who reveals the circumstances of the crime committed by him in a deeply detailed way, must be given total amnesty.<sup>9</sup> It is a debatable point whether this widely possible amnesty is legally acceptable, if we think on the obligations included in the 1973 Apartheid Convention. After the provisions of this international agreement the state is obliged to ensure appropriate criminal procedure and impose suitably serious punishment in cases of crime of apartheid. In this point of view both the perpetrators belonging to the governing power and to the resistance movement must be affected. The families of some of the victims of police brutality turned to the Constitutional Court with this problem. The Court dismissed these pleas declaring, that the provisions related to amnesty serve as a bridge between the apartheid-era and democracy, and so they are inevitably necessary.<sup>10</sup>

In 1994 the first democratic elections were held. The African National Congress leaded by Nelson Mandela won the elections with 61 percent of votes, and established the new government. They proposed the draft of the National Unity and Reconciliation Act, which was adopted in 1995.

The control over the enforcement of the Act became the task of the Truth and Reconciliation Commission created by the Act. The Commission had three organizational units: the Committee on Amnesty was dealing with the amnesty pleas; the Committee on Human Rights Violations existed as a forum, where the auditions of victims were held; and the Committee on Reparation and Rehabilitation, which was dealing with proposals for damages to be paid for the victims. Work of the three Committees was controlled by 17 Commissioners.<sup>11</sup> Desmond Tutu, the Anglican Archbishop of Capetown with high reputation was appointed to the position of the President of the Commission.

## **Relevant factors related to the function of truth commissions**

Examining the work of the South African Truth and Reconciliation Commission it is necessary to deal with rules to apply generally at truth commissions, the determining aspects during their work. The political environment is the first factor to consider. The period of violence can be finished in different ways. If the change occurred in way of unilateral military victory, repression enforced by the new governing power will be determining. In the other case, if consolidation was approached by negotiations, further negotiations and fact-finding based mainly on voluntary principle will probably appear.

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<sup>9</sup> Act 200/1993 on the Interim Constitution. [www.ejil.org/journal/Vol8/No1/art4-06.html](http://www.ejil.org/journal/Vol8/No1/art4-06.html) Art. 232 (4)

<sup>10</sup> International Law and the South African Constitution. Chapter VII. Amnesty [www.ejil.org/journal/Vol8/No1/Art4-06.html](http://www.ejil.org/journal/Vol8/No1/Art4-06.html)

<sup>11</sup> Henrard, Kristin: *supra* note 3

If the former perpetrators keep their political leading positions to some extent, they could be able to undermine the efficiency of the fact-finding work with political pressure. Beyond that, declaration of total amnesty will be much more probable in this case.<sup>12</sup>

It is a highly dominant factor related to the work of the Commission, how widely the existence and the concrete decisions of the Commission are accepted by political parties, the political and military elite and the publicity. This latter, the support of public opinion can be based on ideological considerations. In case of South Africa it could have been ensured by the Ubuntu theology, which gave a central role to the principle of humanity and the Christian values of mercy and reconciliation,<sup>13</sup> if the still existing conflictive situation had not destroyed the strength of this ideological background.

Beyond the significance of the political environment also the composition of the Commission plays a central role. Effort must be made to let as many diverse interest groups as possible participate to the work. On the other hand, it can increase the number of personnel that will increase the expenses as well.

In territories, where domestic personalities cannot be trusted to gain respect from all side to the conflict or would be put in serious personal danger, foreigners must be appointed to be commissioners. The obvious disadvantage of this step will be that these commissioners probably will not be totally aware of details and background of the concrete situation.

The role of the former participants to the conflict must be taken into consideration as well. The more former victims are involved into the work of the Commission, the more credibly the Commission can work related to the protection of victims' interest. On the other hand, if more former perpetrators get among walls of the Commission, who kept their political positions, the enforcement of the concrete decisions will be more expectable.<sup>14</sup>

For the suitable efficiency of the Commission's function it is inevitable to ensure, that the hearings lead to collection of reliable, credible and detailed testimonies. The process of hearings is determined by numerous factors. It is a significant question, how widely public hearings can occur, as they can serve as immediate education. In this point of view the remain of former perpetrators at governing power means a fundamental obstacle.

The circumstances of the hearing are also a determining factor, especially considering the special nature of these cases. Special procedure is often needed, like visiting the victims in their own homes. The less formal the conversation is, the more possible is to show the empathy toward the suffering and pain of victims, and in this way the more probable is to count on credible testimonies.

It has an outstanding importance to ensure the possibility of talking in their own language, if necessary with the aide of translators. Partly, it is a basic condition of revealing the facts in an appropriately detailed way. On the other hand, it can serve as a sign of respect and

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<sup>12</sup> *Political Context*. In: *Strategic Choices...* *supra* note 5

<sup>13</sup> *South Africa: The South African Truth and...* *supra* note 5

<sup>14</sup> *Composition of Commission*. In: *Strategic Choices...* *supra* note 5

acceptance of cultural and ethnic identity of the witness. It is especially necessary in a territory like South Africa, where there is high ethnic diversity and eleven official languages.

The conflictive situation demands also to ensure the safety of witnesses. Appropriate testimonies can be expected only if the witness does not need to worry about negative consequences related to his own or his family's life or health.<sup>15</sup>

### **The Final Report of the South African Commission<sup>16</sup>**

The Truth and Reconciliation Commission was working in South Africa between 1995 and 1998. The Final Report, which included the results of its work, was sent to President Nelson Mandela in 1998. The originally 4 thousand pages Report has five main chapters, which introduce the main principles and procedure of the Commission's work; the human rights abuses both on the side of black and white ethnic groups; the testimonies of victims; a detailed picture about the South African society; and the conclusions and recommendations created by the Commission.

The first chapter includes the fundamental notions and aims of the Commission. One of the most important approaches is, that this forum intended to reveal all the facts and the atrocities committed on both (black and white) sides. The "just war"-theory does not ensure immunity for the responsible ones. Means of resistance were estimated by the Commission as follows:

"A venerable tradition hold that those who use force to overthrow or even to oppose an unjust system occupy the moral high ground over those who use force to sustain that same system... This does not mean that those who hold the moral high ground have carte blanche to the methods they use."<sup>17</sup>

The notion created by the Commission about victims also shows the aim, that every case must be revealed without any consideration on the ethnic identity of the victim. After this notion "*victims of gross violations of human rights should include all who were killed, tortured (and so on) through politically-motivated actions within the mandated period*"<sup>18</sup> without any distinction on the ground of ethnic diversity.

Similarly Desmond Tutu, President of the Commission asked everyone without any exception to support tolerance and reconciliation:

"let us shut the door on the past – not in order to forget it but in order not to allow it to imprison us. Let us move into the glorious future of a new kind of society where people count, not because of biological irrelevancies or other extraneous attributes, but because they are persons of infinite worth created in the image of God..."<sup>19</sup>

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<sup>15</sup> *Proceedings*. In: *Strategic Choices...* *supra* note 5

<sup>16</sup> TRC Final Report. Summary and Guide to Contents. [www.polity.org.za/pdf/TRCSummary.pdf](http://www.polity.org.za/pdf/TRCSummary.pdf)

<sup>17</sup> TRC Final Report. Par. 54

<sup>18</sup> TRC Final Report. Par. 92

<sup>19</sup> TRC Final Report. Par. 91

But closing the doors of the past is possible only after creating a clear and right image about that. Especially important it is in such a complex society, where it is extremely hard, but inevitable to close every individual door. After this reason the Commission concentrated on all of the deep and also far roots of the conflict. This first part of the Report emphasized that the reasons did not appear in the 20<sup>th</sup> century. The earlier periods must be considered as well: slavery, colonization, the British-Boer war, all of the conflictive situations, which the racial differences were determining in. Reveal of the near past after 1948 was hindered by the fact, that at the beginning of 1990s many state documents and mainly ones about security apparatus were destroyed.<sup>20</sup>

The Commission declared as a fundamental principal, that revealing the past facts should not serve revenge, but the public recognition and official acknowledgement of the experiences of victims.<sup>21</sup> Beyond declaration of terminology and main principles the first chapter includes the description of circumstances of the Commission's establishment, the structural and personnel aspects of its function, methods of hearings, investigation and amnesty-procedures.

In the Annex attached to this chapter can be found the qualification of the Commission about apartheid. This notion is in line with words of the 1973 Apartheid Convention. On the other hand, the Commission outlined the importance of taking into consideration the differences between motivations of single perpetrators:

“...the Commission...affirms its judgement that apartheid, as a system of enforced racial discrimination and separation, was a crime against humanity... At the same time, the Commission acknowledges that there are those who sincerely believed differently and those, too, who were blinded by their fear of a Communist ‘total onslaught’”<sup>22</sup>

The second chapter includes description of the atrocities committed by the government and the resistance movements in a chronological order. First are listed the crimes committed outside the borders of South Africa between 1960 and 1990. The South African Security Forces committed violent acts in nine regional states (Botswana, Lesotho, Swaziland, Angola, Mozambique, Zimbabwe, Zambia, Tanzania and the Seychelles) and also in Europe (United Kingdom, France, Belgium, the Netherlands and Scandinavia). As an example can be mentioned the attack enforced by the South African Defence Force (SADF) against the SWAPO (South West Africa to oppose South Africa rule) in Angola, which was cause of 600 people's death.

The atrocities inside South Africa appeared in different shapes: to the methods belonged banishment, judicial executions on racial ground, torture and deaths in custody. The attacks in a sexual way were introduced by the Report as follows:

“Cases of sexual torture included forcing detainees (both male and female) to undress; the deliberate targeting of genitals or breasts during torture; the threat of and, in some instances, actual rape of detainees (male and female); the insertion of objects such as batons or

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<sup>20</sup> TRC Final Report. Par. 104-106

<sup>21</sup> TRC Final Report. Par. 27-28

<sup>22</sup> TRC Final Report. Appendix Par. 1

pistols into bodily orifices and placing detainees overnight in cells with common-law prisoners known to rape newcomers.”<sup>23</sup>

The Commission was dealing with crimes committed also by liberation movements. In this point of view were considered the African National Congress (ANC), the Pan Africanist Congress (PAC), the Azanian National Liberation Army and the Mass Democratic Movement.

Numerous victims were buried by them in secret, and these persons were exhumed by the Commission during investigations. The secret disappearance of Phila Portia Ndwandwe killed in KwaZulu-Natal was described as follows:

“She was held in a small concrete chamber on the edge of the small forest in which she was buried. According to information from those that killed her, she was held naked and interrogated in this chamber, for some time before her death. When we exhumed her, she was on her back in a foetal position, because the grave had not been dug long enough, and had a single bullet wound to the top of her head, indicating that she had been kneeling or squatting when she was killed.”<sup>24</sup>

In the last part of the second chapter were mentioned the political violence in the era of negotiations and transition (1990-1994). This is a significant period also because over half of the statements received on killings (5 695) occurred during this period. (Obviously, it does not mean that number of killings is covered by these statements!) In the period after 1990 the South African Policy (SAP) “continued to carry out extra-judicial killings and attempted killings, both internally and externally. Targets included high-profile political activists predominantly associated with the ANC. The Commission finds that such extra-judicial killings took the form of assassination, ambushes and entrapment killings, as well as killings and attempted killings by way of parcel bombs. The Commission finds that these acts constituted gross violations of human rights for which the SAP are held accountable.”<sup>25</sup>

After the third chapter introduces the relevant facts related to victims in various regions of South Africa (eastern Cape, the former Natal province and KwaZulu, the former Orange Free State, the former western Cape and northern Cape area and the former Transvaal area), the fourth chapter already deals with the political, economical and social situation. It considers different layers and actors of social life and the significance of them related to the conflict.

As they had possibilities to influence people in a psychological way, faith communities and military chaplaincies played important role in building and maintenance of the apartheid-system. The Commission did not forget to mention health workers and doctors, who broke their moral and ethical obligations several times. It mentioned separately the military health professionals, who were in a situation full of dilemmas, whether to follow the ethical codes or the orders given by superiors.

Surprising methods were applied for control over the media and its workers. “...between 1975 and 1985, if people were fortunate enough to be called to a disciplinary hearing, they could choose to be sjambokked (whipped) rather than fired. Those who refused to be sjambokked were dismissed without a proper

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<sup>23</sup> TRC Final Report. Par. 115

<sup>24</sup> TRC Final Report. Page 543 Par. 1

<sup>25</sup> TRC Final Report. Par. 77

*disciplinary hearing.*<sup>26</sup> In order to avoid later political problems, already the appointment of employees was based on distinction on a racial ground. It was revealed, that the SABC media-company willingly and intensively co-operated with the security forces of the former state employing SAP and SADF spies. After these facts it can be obvious, that the papers of SABC did not say a word about human rights abuses.

In the prisons a racial segregation policy was applied, and political prisoners could count on special treatment. *“Political prisoners were consistently treated with unusual cruelty.”*<sup>27</sup> The continuous torture and inhuman treatment left eternal traces in the victims, as it can be seen in the testimony of Zahrah Narkedien:

*“I’ve been out of prison now more than seven or ten years, but I haven’t recovered and I will never recover... I had to accept that I was damaged. A part of my soul was eaten away as if by maggots, horrible as it sounds, and I will never get back again.”*<sup>28</sup>

The Commission took in special consideration the status of children, young people and women. Most of the women giving testimony spoke about the abuses affected them at the first time, silence was typical before. The chapter contains reports on sexual humiliation, the ever-constant fear of rape, degradation in time of menstruation and psychological abuses, which covered mostly threatens with harm to the members of their family.

The fifth chapter has a summarizing character. Here were described the analysis of the violations of human rights and their effects, the results of the work of the Committee on Amnesty and the rehabilitation policy. Inside this latter subject were introduced the five possible way of rehabilitation, which were the urgent interim reparation, individual reparation grants, symbolic reparation, community rehabilitation and institutional reform.

As you can see, in theory a correct plan was created for rehabilitation and reconciliation. The possibility of practical realization must have been proved by the period following the Final Report.

### **The effects of the fact-finding work**

In line of the ever working truth commissions (Argentina, Chile, El Salvador, Sierra Leone, East Timor, etc.) the South African forum had an outstanding role, its function was the most efficient. Approximately 38 thousand cases were elaborated, the testimony of 21 thousand victims and 7 thousand perpetrators were recorded. Use of own language was ensured, safe hearings were possible and the hearings became public to a properly wide extent.<sup>29</sup> It can be stated that the procedure of fact-finding went on with suitable intensity and efficiency comparing with the other commissions. On the other hand, also here the ideas related to reconciliation were not realized.

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<sup>26</sup> TRC Final Report. Par. 32

<sup>27</sup> TRC Final Report. Par. 30

<sup>28</sup> TRC Final Report. Par. 43

<sup>29</sup> Proceedings-case data. In: Statagic Choices... *supra* note 5



After the Final Report was delivered to President Mandela, he apologized publicly to victims on behalf of the government. This nice gesture was not enough for the real solution of problems, as there was a lack of political support related to the Report. The Parliament discussed it only for a half day, and did not seriously engage with the most important issues raised by that.<sup>30</sup>

A low amount of “urgent interim reparation” was paid to the victims. The entire amount of money spent on this aim meant less than 4 million US dollar, which was enough for approximately 250 US dollar per victim. There was not any decision born about the entire rehabilitation.<sup>31</sup>

After the 2002 survey performed by the Institute for Justice and Reconciliation there was a big dissatisfaction among the South African people related to rehabilitation. Only 38 percent of respondents thought that reparation to victims was appropriate. Among black respondents only 34 percent answered like this, while 69 percent of white people were satisfied with the compensation. These responses were not surprising, but it is not possible to finish the conflicts with such general approach. On the other hand 70 percent of the whole population already admitted that despite the lack of appropriate rehabilitation people must turn away from the past events and step toward development.<sup>32</sup>

#### *Clarifying memories...*

Beyond making recommendation on rehabilitation the main aim of the Truth and Reconciliation Commission was to create a clear collective memory, as revealing of the truth must be the first step on the way toward reconciliation. The reports of the Commission can affect people’s considerations to a properly wide extent only if the results of its function are accepted. In this respect thinking of South African people was influenced by Tutu’s messages of forgiveness and Mandela’s constant calls for reconciliation and accepting the findings of the Commission.<sup>33</sup> There were also undermining forces in the country related to the acceptance of the Commission. As an instance can be mentioned the Inkatha Liberty Party. Its leader, Lionel Mtshali questioned the credibility of Desmond Tutu and the Final Report in numerous cases.<sup>34</sup>

Research carried out by the Institute for Justice and Reconciliation served as survey of the always changing public opinion influenced by public actors. After the 2002 survey the opinions were different related to qualification of the acts committed in the apartheid-system. 94 percent of black respondents held these atrocities crimes against humanity, while this rate among white people was 73 percent. People mostly agreed that fighters on behalf of the apartheid-regime and also of the liberation movements committed unforgettable acts. This

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<sup>30</sup> *South Africa: The South African Truth and... supra* note 5

<sup>31</sup> Miller, Andie: Truth and Reconciliation: ‘Many layers, many seasons’ In: A Journal of Media and Culture. [www.media-culture.org.au/0102/truth1.html](http://www.media-culture.org.au/0102/truth1.html)

<sup>32</sup> Lombard, K.: Revisiting Reconciliation: The People’s View. Research Report of the Reconciliation Barometer Exploratory Survey. [www.ijr.org.za/barometer/Exploratory%20Survey%20Report.pdf](http://www.ijr.org.za/barometer/Exploratory%20Survey%20Report.pdf)

<sup>33</sup> Gibson, James L.: *supra* note 7

<sup>34</sup> TRC final report ‘flawed’ (Johannesburg, 21 Mar. 2003) [www.news24.com/News24/South\\_Africa/Politics/0,,2-7-12\\_1336533,00.html](http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_1336533,00.html)

kind of responses meant around 75 percent of answers in both groups, which cannot be seen as an encouraging rate considering reconciliation. It also does not refer to the coming of age of unity that 51 percent of white respondents although refused criminal acts, thought that apartheid ideas were good ones.<sup>35</sup>

It does not mean that all of these people would have accepted the acts of violence. Eyes of many people were opened by findings of the Commission, as previously they had not faced the real cruelty of mass atrocities. A group of white South Africans talked about its consternation related to the abuses of the government:

*“I thought, my God, where was I living? Was that in South Africa?”*

*“I was shocked to learn what was going on. But that was the government we were living under.”<sup>36</sup>*

So “just war” of defending the apartheid-system did not seem to be verified anymore. And the aims of blacks against the regime till then held radically evil proved to be more and more understandable. Earlier lack of clear knowledge on the events appeared also among the black respondents. Violent acts committed by the victims of apartheid caused surprise as well in some cases:

*“both sides have blood on their hands.”*

*“Even the so-called liberators had very inhumane methods that they used when they wanted to put through a message – in camps abroad and within the country. A lot of people were hurt in the townships, if you were successful you were accused of selling out.”<sup>37</sup>*

On the other hand, revealing of sad facts of the past is not enough for reconciliation in case of such a society full of conflicts having deep roots.

*...and reserve against co-operation and real reconciliation*

The necessary clarification of the past events was ensured by the reports of the Commission. The next question was, how the conflicts can be finished in reality, whether South African people are open for reconciliation, and in this way the state can go on with consolidation. After the 2002 survey rather the notion of forgiveness is bound to reconciliation, than possibilities of co-operation. It is also doubtful that 23 percent of respondents spoke about forgiveness because of personal conviction or Archbishop Tutu’s words echoed in these answers. It is sure that there were not many respondents who mentioned the necessity of racial integration (10 percent), co-operation (5 percent) and socio-economic development (4 percent).<sup>38</sup> After these answers the past has still much more importance in mind of people than turn to the future. These considerations do not encourage the hopes for peaceful living together and co-operation among ethnic groups.

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<sup>35</sup> Gibson, James L.: *supra* note 7 page 14

<sup>36</sup> Gibson, James L.: *supra* note 7 page 18

<sup>37</sup> Gibson, James L.: *supra* note 7 page 19

<sup>38</sup> Lombard, K.: *supra* note 19 page 5

Also the lack of people's personal conviction about any significance of their subjective opinion hinders the procedure of reconciliation to a wide extent. The South Africans feeling personal responsibility for consolidation gave only 17 percent of the whole population.<sup>39</sup> Reconciliation can be realized only if the single persons feel of their own the aim of development and they feel responsibility in this respect. It also did not favoured the development of the state that many people left the country, mainly high educated persons between 1994 an 1998 because of bad public security, corruption and services of lower and lower quality. In this period nearly 30 thousand people emigrated, mostly white intellectuals.<sup>40</sup> Examining the recent South African situation it is obvious that although the establishment of democracy and work of the Commission meant a great step toward consolidation, but the real reconciliation among the ethnic groups still keeps us waiting.

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<sup>39</sup> Lombard, K.: *supra* note 19 page 19

<sup>40</sup> Szabó Ibolya Anna: Honnan jön a segítség? – Terjed az AIDS Afrikában. (Where comes help from? AIDS spread in Africa) In: Hetek. II. évf. 13. sz. [www.hetek.hu/index.php?cikk=630&print=1](http://www.hetek.hu/index.php?cikk=630&print=1)

### Literature:

1. Composition of Commission. In: Strategic Choices in the Design of Truth Commissions [www.truthcommission.org/factor.php?fid=3&lang=en](http://www.truthcommission.org/factor.php?fid=3&lang=en)
2. Dél-Afrika népessége. [www.del-afrika.hu/nep.html](http://www.del-afrika.hu/nep.html)
3. Apartheid Convention. 30 November 1973
4. Gibson, James L.: Overcoming Apartheid: Can Truth Reconcile a Divided Nation? [www.ijr.org.za-Monograph\(2\).pdf](http://www.ijr.org.za-Monograph(2).pdf)
5. Henrard, Kristin: Post-Apartheid South Africa: Transformation and Reconciliation. [www.findarticles.com/p/articles/mi\\_m2393/is\\_1\\_166/ai\\_106560181/pg\\_1](http://www.findarticles.com/p/articles/mi_m2393/is_1_166/ai_106560181/pg_1)
6. International Law and the South African Constitution. VII. Amnesty [www.ejil.org/journal/Vol8/No1/art4-06.html](http://www.ejil.org/journal/Vol8/No1/art4-06.html)
7. Lombard, K.: Revisiting Reconciliation: The People's View. Research Report of the Reconciliation Barometer Exploratory Survey. [www.ijr.org.za/barometer/Exploratory%20Survey%20Report.pdf](http://www.ijr.org.za/barometer/Exploratory%20Survey%20Report.pdf)
8. Miller, Andie: Truth and Reconciliation: 'Many layers, many seasons' In: A Journal of Media and Culture. [www.media-culture.org.au/0102/truth1.html](http://www.media-culture.org.au/0102/truth1.html) (Date of downl.: 15 Oct. 2004)
9. Political Context. In: Strategic Choices in the Design of Truth Commissions [www.truthcommissions.org/factor.php?fid=0&lang=en](http://www.truthcommissions.org/factor.php?fid=0&lang=en)
10. Proceedings. In: Strategic Choices in the Design of Truth Commissions [www.truthcommission.org/factor.php?fid=5&lang=en](http://www.truthcommission.org/factor.php?fid=5&lang=en)
11. Proceedings-case data. In: Strategic Choices in the Design of Truth Commissions [www.truthcommission.org/factor.php?fid=5&mode=m&lang=en](http://www.truthcommission.org/factor.php?fid=5&mode=m&lang=en)
12. South Africa, a Society in Transition. [www.southafrica-travel.net/pages/e\\_bevolk.htm](http://www.southafrica-travel.net/pages/e_bevolk.htm)
13. South Africa: The South African Truth and Reconciliation Commission. In: Strategic Choices in the Design of Truth Commissions [www.truthcommission.org/commission.php?lang=en&cid=3&case.x=42&case.y=7](http://www.truthcommission.org/commission.php?lang=en&cid=3&case.x=42&case.y=7)
14. Szabó Ibolya Anna: Honnan jön a segítség? – Terjed az AIDS Afrikában. In: Hetek. II. évf. 13. sz. [www.hetek.hu/index.php?cik.k=630&print=1](http://www.hetek.hu/index.php?cik.k=630&print=1)
15. TRC Final Report. Summary and Guide to Contents. [www.polity.org.za/pdf/TRCSummary.pdf](http://www.polity.org.za/pdf/TRCSummary.pdf)
16. TRC final report 'flawed' (Johannesburg, 21 Mar. 2003) [www.news24.com/News24/South\\_Africa/Politics/0,,2-7-12\\_1336533,00.html](http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_1336533,00.html)
17. Van der Merwe, Susan. A Tényfeltáró és Békéltető Bizottság Zárójelentése. In: *Summary and Guide to Contents*. [www.polity.org.za/pdf/TRCSummary.pdf](http://www.polity.org.za/pdf/TRCSummary.pdf)
18. Act 200/1993 on the Interim Constitution. [www.ejil.org/journal/Vol8/No1/art4-06.html](http://www.ejil.org/journal/Vol8/No1/art4-06.html)