SEARCHING FOR RECONCILIATION - THE INTRICACIES OF THE AFRICAN EXPERIENCE

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HISTORY AND ACKNOWLEDGEMENT: IN THE AFTERMATH OF REALITY

"Man has no more right to live than a rattle snake" - Gung Ho/Cowboy saying in the Outback.

"We kill so much! Not only in our stupid battles, the stupid streetfighting for our revolution, our stupid executions - no we kill at every step. That imperative [killing] will never lose its cogency...Everywhere life is waiting, everywhere the future holds promise, and we see so little, we trample so much. We kill at every step. In respect to mankind we, all of us have but one task: To help mankind (humankind - author's insertion) *as a whole to make some small advance, to better a particular institution, to do away with one particular mode of killing...in our unique personal lives, to take a short step on the road from animal to man..."* (Hesse, Nobel Prize winner: 1972.)

"The exposure of the full spectrum of corruption and evil that we lived with so long initially seemed like a healthy thing. Reveal it and expel it, so that we can get on with our lives, but the trouble is they did not let it go...(T)he TRC was supposed to be a mechanism that would propel us into the future (like the RDP - author's insertion*). It became a time warp that trapped us in a ghastly past and kindled resentment where it would have unleashed reconciliation."* (Ronge: 23 August 1998.)

"Wat we gemeenschappelijk hebben is onse behoefte aan vergeving." [Freely translated: "What we have in common is (perhaps) our need for forgiveness"]. (Kenneth David Kaunda, Zambian President, 1982.)

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"Maybe a bad past is the price we've got to pay to secure a good future, if not for ourselves, then for those who come after us." (A fighter pilot to another before departing on a sortie during the battle of Midway. Quote in a cheap paperback in Checkers, at the time sold for R6-99.)

AN ECLECTIC INTRODUCTION SPANNING TIME AND PLACE

The experience of violence and life-after-violence is a universal one. It spans time and continents. Virtually every nation or social group was at some time or the other confronted by this. Examples all over the globe spring to mind. Uganda first had to live through the terror of Milton Obote. Worse was to come under El Hadji Idi Amin in the 1970s. War amongst religious groups in Christian Europe divided and mauled millious to death in countries as far apart as Belgium, Ireland and Spain a couple of hundreds of years ago. One of these Christian conflicts persisted from 1179 until recently in Northern Ireland.

Nazism and Fascism took its large toll in terms of internal and foreign aggression ranging from ghettozisation to genocide, aggression against neighbouring states and neo-imperialism. The Spanish civil war, the Nazi military built-up and aggression in West and Eastern Europe, organized anti-semitism and the brief but destructive colonization of Abyssinia by Mussolini's Italy are cases in point.

During the course of establishing what is known today as the United States of America, whole indigenous communities were either wiped out by the new colonizers or driven into "reservation" areas to live in abject poverty for years to come. The expansion to the West of America by traders, farmer-settlers and frontier armies of various types, did not come about without violence. "Winning/taming" the western part of contemporary USA "fairly and squarely" did not have the positive effect on all of the indigenous Americans that some are claiming. Oppression of the Afro-American population marked the early American society long after slavery had disappeared. It took a civil rights movement and the likes of Martin Luther King (Junior) to assist in achieving the ideal of a non-racial society in the US.

But all may not be well in the proverbial "state of Denmark" - the USA in this case. After an era of politics aimed at internal/home affairs (the so-called Monroe Doctrine) the United States of America also embarked on extensive foreign involvement in order to expand its influence. This did not happen without

extreme political and military force-projection in some cases. The drawn-out war in Vietnam is but one example. Unnuanced political thinking in the White House linked with political-military force projection persisted after World War II, the Cold War being transplanted into American politics. The contemporary historian Shahzad Ahmed refers to this style of US politics as "a new politics of paranoia". Discerningly Ahmed remarks: "Such secular myopia led to tragic consequences for the West (*and more so for those who fell victim to it - author's insertion*) in their dealings in Iran, Lebanon and later Iraq". (**The Sunday Independent**: 30 August 1998).

Some few thousand kilometres to the East things were not much better. After an era of supreme autocracy and brutal rule by the Tsars, the Soviet ideal as materialised under Joseph Stalin, brought a second terror to the Soviet subject (perhaps more horrific as the excesses of the Tsars); and all of that in the name of a new citizenry - the Soviet man. And in their rather unnuanced dealings with Islam, the Soviet Union brought widespread destruction to Afghanistan in the 1980s which stands to show that not only the West was able to make misappreciations of foreign politics. The bottom-line of all this was the exportation of death on a grand scale to an impoverished Afghanistan.

Western colonization, the mirror image of some Muslim expansionist ventures, brought death and destruction to Central and South America - not to mention the diaspora caused as direct and/or indirect result of such actions. Just alongside the Mediterranean Sea, Turkish rule bestowed brutal repression on minority groups such as the Kurds and Armenians before and during Ataturk's rule. Ataturk, a modern-day hero of Machiavellian modernization, indeed was the Middle Eastern "father" of the secular constitution (read: rule by the secular state) and "state-development-through-modernization" (Kili 1968; 1969), the means used to achieve the ends, certainly did not bring ease to many.

Further to the East the Japanese invasion of Manchuria during the first half of this century caused unimaginable suffering to the Chinese people. Much earlier, Genghis Khan spilled blood over hundreds of thousands of square kilometres in brutal empire-building exercises.

Further to the South on the African colonial theatre, the German occupiers of Deutch West Africa (*Duitswes*) wiped out a third of the Herero people in a war of exhaustion and attrition in order to consolidate their colonial foothold in south eastern Africa (Cliffe 1994:13-5). South Africa taking custody of the same area

(then to be called *South West Africa*) on behalf of the League of Nations remained as a colonial power in Namibia from 1920 onwards in an era of a drawn-out low-profile civil war causing the death of thousands of people. The South African "colony of a special type" also harshly colonised others...

Violence and directed collective violence against others ("The Other") seem to be more the rule than an exception. Meijler tried to argue that the European experience of Nazi-frenzy (1933-1945) was a unique historical experience (**Het Parool**, 23 May 1996). Wrong: In various manifestations differing in intensity it is a global experience. [In hyperbolic terms - if one speaks about "globalization", it includes the global spread of violence...]

At first - or for that matter at any look - it seems that the philosopher Niehbuhr was right: **The only lesson is that humanity never learns from its own lessons.**

On behalf of or against the contemporary "third wave of democracy" and a "new global order" (from the 1970s onwards), hundreds of thousands of soldiers (some mere children) in Africa and elsewhere were made to take to the semantic trenches and real world battlefields to impose various forms of democracy. (Perhaps the political scientist, Samuel Huntington is correct to refer rather to "a clash of civilizations". But a brutal clash that is.) The "third wave" were preceded by the syndrome of praetorian order which swept communities of the world, with repression being the rule rather than the exception: In Europe: Greece, Spain, Portugal (some of them colonial powers at the time). In Latin America: Argentina, Brasilia, Chile, Uruguay, Paraguay, Bolivia and others. In Africa: Nigeria, Uganda, Ethiopia, Sudan, Ghana and others, with South Africa (1972 - 1989) a country under rule of *praetorianism of a special type*. In Indonesia a dance of dictators contrasted/balanced/synergized with Cambodia, and supreme violent regimes in South and North Korea. (Lambert 1998:6).

THE EXPERIENCE OF DEHUMANIZATION: SOME EXAMPLES THROUGH CONTEXTUALIZATION

But it was not only Niehbuhr that was disconcerted by the phenomenon of no lessons to be learnt from history. The Nazi-experiment earlier refer to has only meaning when regarded as belonging to a long list of similar events (differing only in quantitative terms from many others). Thus when Victor Frankl took up the pen to describe a prison camp (or a battlefield, or a civilian target in

"unfortunate" cross-fire) his remarks on the affected persons beget universal meaning: that any reflection in such contexts ought to be directed at, and on behalf of those affected. "Thus it is not so much concerned with the sufferings of the mighty, but with the crucifiction and the deaths of the great army of the unknown and unrecorded victims" (Frankl 1964). Strangely enough this quotation is typed on the morning that President Bill Clinton of the US and the British Government are once again preparing for large scale missile attacks, against the wishes of other UN Security Council members (China and Russia) against Iraq - a country already ravaged by previous attacks and a drawn-out US-led sanction campaign.

The notion of supreme violence against others ("the Other"/"the Enemy") has occupied the minds of various thinkers in history. The critical philosopher, Theodor Adorno, a member of the Frankfurt Schule, concludes that the logical march of (high) development is bound to end in the ashes of Auschwitz. When asked what the effect of brutal repression in Algeria would be on French public opinion, a French paratrooper General in command remarked sardonically in the 1950s: *"Another article by Jean Paul Sartre..."* (Documentary, **The Battle for Algiers**).

Time magazine and the **South African Labour Bulletin (SALB)** concur that more than a hundred thousand people (some say closer to 200 000 or even more) died during the Suharto regime in Indonesia. In East Timor it is estimated that the Indonesian military regime eliminated a third of the inhabitants since the 1975 occupation (Pilger 1998). Closer to home, in Rwanda, Hutu militants killed (or "permanently removed from society") an estimate of 800 000 Tsutsi people. This is by no means a small feat in killing rate if one measures it against the three months of conflict in which it took place (**Newsweek**: 11 May 1998).

The above will suffice in order to introduce the need to reflect upon violent social conflict, (re)conciliation, truth and acknowledgement.

HOW COMMUNITIES COPE WITH PAST INJUSTICES: WHAT TO CHOOSE?

The South African moral philosopher, André du Toit, points out that **morality** as a needed action should be inherent in the debate on justice and truth. Without such morality, acknowledgement before reconciliation cannot take place (**2nd Sam Nolutshungu Memorial Lecture**, HSRC, 1998). Du Toit refers to history as a reality, and the actions of humans as being closely linked to the social

consequences thereof. Walsch, a philosopher of history, argues that "(h)istory thus presupposes general propositions about human nature, and no account of historical thinking would be complete without proper appreciation of that fact" (Walsh 1967:25). But communities, the society, the human being is not value free. And perhaps here morality should enter the discourse in the aftermath of collective violence - at least for the purposes of this discussion.

Societies in the aftermath of widespread violence coinciding with the extensive and consistent abuse of human rights, can deal with that legacy in various ways. *At stake here is post-conflict stability, the cultivation of a sound and sustainable democratic process and where possible (individual and collective) reconciliation, preferably accompanied by well-meant symbolic or real restitution.* For example, direct restitution will/may imply some form of short-term compensation for victims (an immensely tricky issue) and medium to longer-term restruction of the social fabric through appropriate policies in order to eliminate structural injustices and secure access for previously neglected individuals, communities or groups to scarce resources such as jobs, housing, social security and institutions of learning - a no less daunting task. (See for example an eloquent work by Van Beek on the intricacies of redressing imbalances in the public sector and state bureaucracies: Van Beek 1998.)

Thus values or morals as well as the utilitarian principle are at stake in attempting to (re)establish a humane, tolerant, democratic, just and stable post-conflict society - that is if one departs from the assumption that the end goal of social order is to be democratic and peace-loving rather than the Hobbesian scenario of a world where life is short, nasty, cruel and brutish. **[The assumption by the author here is that the aforementioned option is more liveable and meaningful than the scenario sketched by Hobbes]**.

DIFFERENT APPROACHES IN DEALING WITH A VIOLENT PAST: IN SEARCH OF CLASSIFICATION

Communities in search of tolerance and stability are faced with various options in order to deal with the past. A preliminary categorization will probably look as such:

(1)   To "forgive and forget" or to draw a line through the past (pejoratively labelled as amnesia). This option was followed by Spain, Namibia, Zimbabwe and Zambia after a regime change towards democracy;

(2)   To allow (or request) the international community to instigate and follow
       through a judicial process: In other words international courts or tribunals.
       The Nuremberg trials after the collapse of the Nazi Regime (1945-), the
       tribunal following the Serbo-Croatian war (late 1990s), and Rwanda (1997-
       1998) are some of the examples;

(3)   Truth and Reconciliation Commissions initiated by the new democratic
       governments or by sectors within/or representing civil society (Read: the
       affected communities). Bolivia (1982), Chile (1992), Argentina (1984),
       Uruguay (1985-), South Africa (the TRC was established in 1995, the report
       appeared in October 1998) are some of the examples. Note that "Truth
       Commissions" as used in this sense is a rather new phenomenon. Priscilla
       Hayner, following a very wide definition, identifies close to 20 countries that
       embarked upon this option in the past fifteen years or so. In my view her
       wide definition, also followed later by Daan Bronkhorst (1996:85-9), a Dutch
       theorist, is too wide to be practical and useful. Hayner's wide definition does
       not provide a justifiable working definition because it includes various forms
       of investigation, is in most cases state sponsored and not in all cases followed
       by conclusive reports. Neither were definite steps taken to ensure that similar
       excesses did not happen agaiu. *In my view Truth and Reconciliations
       Commissions (TRCs) are a rather contemporary phenomenon. They mostly
       took place after 1982. They aim at "unearthing the truth" and attempt to
       effect national reconciliation.*

       *In other words: they are characterized by a "truth phase" (exposing past
       abuses) and a "justice phase" (consisting of a restitutionary impetus or
       practical steps to prevent future excesses). They are found in societies that
       transitioned from authoritarian rule to democracy (mostly preceded by
       liberalization of repressive political structures). Presumably most TRCs are
       underpinned by a liberal and/or christian ethos.*

(4)   Government-sponsored commissions by ruling governments in order to
       investigate abuses of human rights (mostly by governments that remain in
       power after the abuses had taken place) is another option. It is quite distinct
       from TRCs. Zimbabwe in relation to the Matabeleland debacle (1985),
       Uganda (1974), Israel (Commission on the Sabra and Chatila killings - 1982-
       1983), Rumania (1992), Togo (1992), South Africa (1990s - McNally and
       Goldstone Commissions to unravel violence and possible involvement by

"third forces" in violence; the African National Congress commissions of enquiry dealing with torture and abuse in ANC exile-camps such as the Motsunyane and Skweyiya Commissions) and Malawi (1994-) are some examples.

(5)   Mixed approaches: Examples are Holland (1945/46 - court cases, internment of human rights violators, re-integration into the society of such human rights violaters/"line through the past"); Portugal (some court cases); Italy (1945 - summarily execution of Benito Mussolini/drawing a line through the past); Rumania (summarily execution of Cheshescau/parliamentary commission of enquiry); Russia (1917 - elimination of the Tsar and his family and revolutionary, centrally directed attempts at restructuring the society; 1991 - publication of past abuses, media debates after the fall of the centralist communist regime); Surinam (1996 - preparation for a low profile "truth commission" and a commitment sought for future political tolerance (**Weekkrant Suriname**: 16 Mei 1996); Iran (early 1970s - exile and banishment of the Shah and collaborators); and Chad (commission, naming of perpetrators, using the report to discredit the previous Habre-regime without a significant betterment of the objective human rights situation), etc.

A hard and fast categorization of approaches in dealing with a past of human rights transgressions (as well as acknowledgements) without much more nuanced research and classification is currently not available/not possible. **The above (1-5) serves as a preliminary rule of thumb for classification.**

However, from the above it is clear that different pathways exist for countries to acknowledge the past at least, at most to take steps against offenders or/and to introduce corrective or restitutional steps. And, perhaps, the most important of it all is to ensure that steps are taken to prevent a recurrence of similar excesses in the post-authoritarian/democratic regime to follow. Various countries at various times followed different routes to achieve this. In all cases (1-5) however, the implied end goal is at minimal to enable/inculcate socio-political tolerance, to institutionalise open and democratic practices (various forms of democracy) and to ensure stability through sound (read: transparent) post-conflict governance and economic justice. Together with these a sound human rights culture should be institutionalised and inculcated.

For some, i.e. Category 1, a political trade-off is made, namely to let bygones be bygones and to rather focus on socio-political and economical reconstruction

(Spain, 1977-). Acknowledgement and restitution rarely play a role in such cases. Some others (i.e. Categories 3 & 4) aim at (full) acknowledgement and restitution as far as humanly possible. This is especially the case with Truth and Reconciliation Commissions (TRCs) such as those of Chile and South Africa (Category 3). In some cases corrective action is taken to prevent similar excesses under the new democratic government: Argentina embarked on the "reprofessionalization" of armed forces to fit the needs of a democratic constitution. Chile sought to modify national laws to conform to international human rights standards, ensuring the future independence of the judiciary, training security personnel in human rights (human rights education) and officialising the ombudsman principle to detect, prevent and monitor human rights abuses. Apart from the moral imperative underlying truth commissions (*to reveal and reflect on a past of collective violence*), restitution (the "justice phase") is sought.

International tribunals (Category 2) are usually instituted where the extent of the abuses surpasses the ability of the new regime to deal with the problem through judicial and administrative channels (Rwanda is a case in point), or where a previous non-democratic and apparently massively abusive regime has been defeated by a combination of forces. Foreign actors introduce the process - the trials of Nazi war criminals being a case in point.

Mixed approaches (Category 5) usually mark societies where various influences brought a change of government and where civil society is divided on the steps to be taken towards past offenders. Or otherwise where civil society after a rethink of strategies to deal with the past, embarks on (an)other course(s) and/or rethinks previous strategies. [The Dutch treatment of "wrongdoers" (Nazi supporters and sympathizers or so-called "foute Nederlanders") is one example (Romijn, n.d.:101-9). The release of Nazi sympathizers (members of the Ossewabrandwag) from internment by the Smuts government and their re-integration into society at the end of World War II in South Africa is another example (Harrison 1981: Chapters 2 and 3).

PROGNOSIS AND PRESCRIPTIONS: BETWEEN THE WIRE AND THE WALL

The classic dilemma of being caught between a rock and a very hard place (or between the wounded buffalo and the angry lion - to use a more home-made metaphor) presents itself here. To prescribe a specific approach for a specific

country is almost impossible. While international human rights are (theoretically) in place through various charters such as the International Declaration of Human Rights (1948) and the African Charter, the application of procedural justice following extensive human rights abuses in the aftermath of conflict or civil war (or regional aggression) is too complex to have a set formula for each case in advance. The socio-political value system of the country or people at stake (including the victims), the extent and time-span of the abuses, the level of dividedness (deeply divided or not so deeply divided societies), the intensity of the strife or conflict and the presence or absence of external pressures play a role. So does the way in which an oppressive and non-democratic government or regime is removed - or decides to disentangle itself from the autocracy/dictatorship.

After World War II there was a clear victor and a vanquished. Hence it was fairly easy for the Allied Forces to impose an international tribunal to conduct the Nuremberg trials in response to widespread and massive sustained human rights abuses by the Nazi regime. In Chile the military Junta departed from the political platform but remained influential. This resulted in failed criminal justice procedures/trials and the consequent choice for the *Comision Nacional para la Veridad y Reconciliation* (the Rettig Commission). Only recently the debate about a legal process for General Pinochet became salient again and was met with some success.

In Argentina the military Junta's position became untenable after defeat in the Falklands/Malvinas war with Britain. Hyperinflation and brutal internal oppression earlier on eroded whatever was left of the legitimacy of the state. A military commission of enquiry and the court-martialling of some senior generals were followed by a Truth Commission - the so-called Sabato Commission. In Uruguay the Club Naval Negotiations (1985) led to the stepping down of the rather influential military and thus imposed constraints on the new government's pursuit of justice (Du Toit quoted by Liebenberg, 1996: 140). Hence a Parliamentary Truth Commission on "the disappeared people" was established.

In South Africa years of civil strife and a low intensity civil war by the liberation movements ANC, PAC and SACP against the apartheid state ended as a result of a multi-party negotiation process (MPNP). A contract zone was established for the negotiation of an interim constitution and multi-party non-racial **founding elections**. The parties previously within the tricameral structures had demonstrable support throughout the process and in the 1994 elections for a new democratic dispensation. The apartheid regime, though authoritarian and

brutal, also did not embark on mass killings (genocide) of the "subject" populace, in contrast to what had happened in Germany during 1933-1945. Relative large chunks of the black voters chose to support an "internal" party largely associated with the homeland system, namely the Inkatha Freedom Party (IFP). Such voter outcomes also influenced the pathway chosen for acknowledgement of the past. Thus there was no clear victor or vanquished. Hence the truth and reconciliation process followed the Chilean model rather than trials. In many respects the South African TRC was an option chosen as the result of a negotiated deal. This approach was further strengthened by the fact that while the regime was perceived to be extremely unjust the UN stopped short of declaring apartheid a crime against humanity - an issue still reverberating in political debates.

THE PAST AND FUTURE: SUSTAINABLE DEMOCRACY AND CHALLENGES FOR HUMAN RIGHTS DEBATES

From the above it is difficult (or at least somewhat premature) to be prescriptive about what model should be chosen to ensure long-term political tolerance, sustained democracy and political stability. In various countries in the categories outlined in 1-5 above, e.g. Spain, Portugal, Greece, Zimbabwe, Italy, Chile, Argentina and Namibia, the transition to democracy was stable. Various countries regressed into authoritarian or non-democratic orders - e.g. Chad, Rwanda (?) and Uganda at various stages.

What seems to be more important is the institutionalization of democratic structures and processes, the independence of the judiciary (including mechanisms like a constitutional court and ombudsman principles), a negotiated contract zone amongst all political parties (where multi-party systems have come into being) to refrain from violence, working for economic growth, wealth distribution and development and commitment to a common citizenship with the rights and responsibilities entailed in it. Simply stated, it means putting human rights theory into practice.

Lastly, but not unimportant, is the development of sound civil-military relations and the institutionalization of civilian control and oversight (including parliamentary veto) over security agencies such as the military, police and intelligence structures.

While various pathways are open to countries or nations (the community of citizens) its seems that given different historical experiences it would be

presumptuous to be prescriptive. The ultimate object is functional democracy, lasting and sustainable democracy, and preferably a participatory democracy in which the individual and groups, through their self-association within the community of citizens, are constitutionally and through inculcated social practices and values protected and free to live/act as a person. In a way the route by which this is to be achieved is both contextually determined and to some degree immaterial.

What is at stake in the transition to sustainable democracy (or call it democratic consolidation, if you like) is that a firm contract zone on social freedom, equality (in contrast with equity) and economic justice should be established and deepened.

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