

## REPARATIONS AFTER VIOLENT CONFLICTS: PROBLEMS AND POSSIBILITIES

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### 1. INTRODUCTION

There is no universal recipe for dealing with traumatic events of the past. Nevertheless, there is a range of various responses that can be used in the wake of violent conflict in order to deal with the past and to promote goals such as reconciliation, the healing of trauma, the creation of a sense of justice and the consolidation of democracy and peace. These responses include, for example, prosecutions, truth commissions, reparations, amnesty, lustration, and the opening of secret police files. Generally, no response is sufficient on its own. In addition, due to various limitations caused by political, military, economic and social conditions, the different responses, singularly or in combination, cannot normally be implemented optimally.

The purpose of this article is to discuss various possibilities and problems with regard to reparations, using the empirical examples of the reparation processes after two violent conflicts in the history of South Africa, namely the Anglo-Boer War (1899-1902) and the struggles for and against apartheid. These two examples are chosen since they illustrate several possibilities and problems with regard to reparations. They are also interesting in the sense that the nature of the two transitions differed extensively, for instance, the first case is a classic example of a victorious country conquering two formerly independent states after a war, while the second one is an example of a negotiated settlement, preventing full-scale war.

The objective of the article is explorative and the treatment of both reparation, in general, and of the two empirical examples is, of necessity, brief. First of all, the issue of reparation will be discussed in general. Thereafter (in section 3), the reparation process after the Anglo-Boer War will be examined, followed by the post-1994 reparation process (section 4) and a few concluding perspectives (section 5).

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## 2. REPARATIONS AFTER HUMAN RIGHTS VIOLATIONS

Reparation is a very complicated matter that can have both positive and negative consequences for victims<sup>2</sup> as well as for society. In order to create a sense of justice among people, reparations are often crucial, and can be included in both a retributive and a restorative concept of justice. The most important aspect of any form of reparation is often that it can be seen as a public acknowledgment of suffering and a recognition of past wrongs, which is, for example, a crucial issue when it comes to dealing with trauma and restoring the dignity of victims.<sup>3</sup> Reparation is an umbrella concept and can take many forms, including **restitution**, which implies the return of a specific, misappropriated object, and **compensation**, which generally refers to monetary or material reparation. Reparation can also take a **symbolic**, non-material form.<sup>4</sup>

The Permanent Court of International Justice in the *Chorzów Factory (Indemnity)* Case defined the goal of reparation to be to: "as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed".<sup>5</sup> This goal is normally impossible, since reparations can never make full amends. In fact, all reparations are, to some extent, symbolic since human life and suffering cannot be measured monetarily. In addition, reparations are often hampered by practical considerations, especially in countries with limited resources, and a balance has to be reached between reparation and other targets crucial for securing peace and democracy. It should also be noted that, for various reasons, victims do not always desire reparation. They might, for example, suspect that the government is trying to keep them silent by giving reparations.<sup>6</sup>

<sup>2</sup> Some people prefer the term 'survivor' to 'victim'. For the purposes of this article, the latter concept will be used, even though it is recognised that many victims are indeed survivors.

<sup>3</sup> R Teitel, *Transitional justice* (Oxford, 2000), pp. 126-8; M Minow, *Between vengeance and forgiveness: facing history and mass violence* (Boston, 1998), p. 93; EL Lutz, "After the elections: compensating victims of human rights abuses" in NJ Kritz (ed.), *Transitional justice: how emerging democracies reckon with former regimes*, vol. 1 (Washington, 1995), p. 560; Y Danieli, "Preliminary reflections from a psychological perspective" in Kritz (ed.), pp. 575, 578-80; WM Reisman, "Compensation for human rights violations: the practice of the past decade in the Americas" in A Randelzhofer and C Tomuschat (eds), *State responsibility and the individual: reparation in instances of grave violations of human rights* (The Hague, 1999), p. 66.

<sup>4</sup> L Fernandez, "Possibilities and limitations of reparations for the victims of human rights violations in South Africa" in MRR Welamira and G Werle (eds), *Confronting past injustices: approaches to amnesty, punishment, reparation and restitution in South Africa and Germany* (Durban, 1996), p. 67; Minow, p. 107; C Offe, *Varieties of transition: the East European and East German experience* (Cambridge, 1996), p. 108.

<sup>5</sup> Quoted in T van Boven, "Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" in Kritz (ed.), p. 506.

<sup>6</sup> Lutz, pp. 553, 562; Danieli, p. 579.

In a reparation process, care should be taken to avoid committing new injustices while trying to rectify old ones. For example, while restitution might appear to be one of the easier forms of reparation since there is no problem of valuation, securing the return of an object, especially after many years, can be very problematic, since there are often innocent intervening owners. In addition, most states battling with these issues have committed themselves to protect individual liberty and property, making many forms of restitution illegal.<sup>7</sup>

One often problematic question is who should be eligible for reparation, something that is particularly complex where it is difficult to distinguish between victims and wrongdoers, and where there is a very large number of victims. It is often impossible to give reparations to everyone who suffered in the past.<sup>8</sup> This issue is sometimes tackled by the use of collective reparation, such as general societal and economic development, political rights, the rule of law, the development of a human rights culture and various forms of symbolic reparations.<sup>9</sup>

An additional problem is who should pay for reparations. It would often be more satisfactory for the victim if the wrongdoer paid, but this is usually not possible in the wake of major conflicts. Consequently, the state is normally responsible for paying reparations and, in most cases, this implies a successor regime.<sup>10</sup>

Another important issue is that of cut-off dates. From when onwards are acts that occurred in the past liable for reparation and up to which point in the future can claims be made? Some people argue for a long, basically limitless, period, while others argue for a more or less limited period. Due to political and economic realities, a clearly demarcated period is usually necessary.<sup>11</sup> Another argument for a limited period is that a cut-off date might symbolise some form of closure. The period should, however, make sense historically and the time victims are given to apply for reparations should not be too short.

Since victims have different needs, a reparation measure will not have the same effect for everybody, nor will all the victims opt for the same form of reparation or for any reparation whatsoever. Therefore, a multitude of reparation measures is, in many cases, the best option. Also, the process of seeking reparation can in some

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<sup>7</sup> Minow, pp. 107-10; Offe, pp. 113-4; J Waldron, "Superseding historic injustice", *Ethics* 103, 1992, pp. 4-28.

<sup>8</sup> J Elster, "On doing what one can: an argument against post-communist restitution and retribution" in Kritzer (ed.), pp. 566-8; Teitel, p. 132; A Rigby, *Justice and reconciliation: after the violence* (Boulder, 2001), pp. 10-1.

<sup>9</sup> Offe, p. 119; Minow, p. 132.

<sup>10</sup> Lutz, p. 560; Teitel, pp. 139-43; Reisman, pp. 68-9. The state is obliged to pay reparation under international law, regardless of whether it is a successor regime or not (Van Boven, p. 508.)

<sup>11</sup> Lutz, pp. 561-2; Van Boven, pp. 545-6; Offe, pp. 91-2; Teitel, pp. 138, 140.

cases be more valuable than actually receiving it, since it might give victims a chance to be heard. But, if the attempt is rejected, new wounds might be created or old ones may become deeper.<sup>12</sup> Moreover, claim procedures should be as non-confrontational as possible in order to avoid further traumatisation.<sup>13</sup>

Symbolic reparation such as monuments, days of remembrance and commemorations can have far-reaching consequences and its significance is often underestimated. Symbolic reparation can, for instance, contribute to the restoration of the dignity of victims and to making known the truth about what happened. The latter is crucial and victims often see it as a more urgent form of reparation than a material one.<sup>14</sup> However, the creation of an officially sanctioned absolute truth should be avoided. Instead, truth-seeking should ideally be done in a manner that seeks not only to learn from the past, bring people closer to the truth and reduce the number of lies, but also to lead to the realisation that there are different ways of interpreting the past.<sup>15</sup>

Apologies can be an important form of symbolic reparation since they contain an acknowledgement of past wrongs, an acceptance of responsibility, an expression of remorse as well as a promise not to repeat the offence. A problem with apologies is that they might be insincere. Also, in a strict sense, no one can truly apologise on behalf of someone else, but an official apology can still have positive effects, for example, by acknowledging suffering, restoring the reputation of a group and correcting the public record.<sup>16</sup>

Reparation is a very complicated issue, which will be illustrated in the two empirical examples. The reparations given in the aftermath of the Anglo-Boer War will be discussed below.

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<sup>12</sup> Minow, pp. 93, 101, 103.

<sup>13</sup> Lutz, p. 564; Danieli, pp. 576-8.

<sup>14</sup> Minow, p. 103; Fernandez, p. 70; Van Boven, p. 545; B Hamber, "Repairing the irreparable: dealing with the double-binds of making reparations for crimes of the past", *Ethnicity & Health* 5(3/4), 2000, p. 220.

<sup>15</sup> See, for example, A-K Evaldsson and A Wessels, "To commemorate or not to commemorate: three important commemorative events in twentieth century South Africa", *Journal for Contemporary History* 28(1), 2003, p. 82, and M Ignatieff, "Articles of faith", *Index on Censorship* 25(5), 1996, pp. 111-6.

<sup>16</sup> Minow, pp. 112-6; Teitel, p. 140; Ignatieff, p. 122. See also N Tavuchis, *Mea culpa: a sociology of apology and reconciliation* (Stanford, 1991).

### 3. REPARATIONS AFTER THE ANGLO-BOER WAR

The Anglo-Boer War began in October 1899 and took place between Great Britain and the two small republics of the Transvaal and the Orange Free State.<sup>17</sup> The war was motivated by a combination of economic, strategic and political factors. It had severe consequences; the British scorched earth policy and the concentration camp system being of particular importance. Approximately 30 000 farms were destroyed as well as about 40 towns, and in the concentration camps almost 28 000 Boer women and children died. A large number of black people were also placed in concentration camps, resulting in 14 000 to 20 000 deaths.<sup>18</sup>

On 31 May 1902 the Treaty of Vereeniging<sup>19</sup> ended the war as well as the independence of the republics. Reparations were included in clause ten of the treaty, a vague clause, open to misunderstandings. It reads as follows:

Tenthly, as soon as circumstances permit there shall be appointed in each district in the Transvaal and the Orange River Colony a Commission, in which the inhabitants of that district shall be represented, under the chairmanship of a magistrate or other official, with a view to assist in the bringing back of the people to their farms, and in procuring for those who, on account of losses in the war, are unable to provide for themselves food, shelter, and such quantities of seed, cattle, implements, etc., as are necessary for the resuming of their previous callings.

His Majesty's Government shall place at the disposal of these Commissions the sum of £3,000,000 for the above-mentioned purposes, and shall allow that all notes issued in conformity with Law No. 1, 1900, of the Government of the South African Republic, and all receipts given by the officers in the Veldt of the late Republics, or by their order, may be presented to a judicial Commission by the Government, and in case such

<sup>17</sup> For general sources about the Anglo-Boer War see, for example, LS Amery (ed.), **The Times history of the war in South Africa, 1899-1902**, 7 vols (London, 1900-1909); JH Breytenbach, **Die geskiedenis van die Tweede Vryheidsoorlog in Suid-Afrika, 1899-1902**, 6 vols (Pretoria, 1969-1996); R Kruger, **Good-bye Dolly Gray: the story of the Boer War** (London, 1974); T Pakenham, **The Boer War** (London, 1979); and B Nasson, **The South African War, 1899-1902** (London, 1999).

<sup>18</sup> A Wessels, "Die traumatiese nalatenskap van die Anglo-Boereoorlog se konsentrasiekampe", **Journal for Contemporary History** 26(2), 2001, pp. 1-5; Nasson, pp. 40, 283. With regard to how the civilian population - both white and black - was affected by the war see, for example, SB Spies, **Methods of barbarism? Roberts and Kitchener and civilians in the Boer Republics, January 1900-May 1902** (Cape Town, 1971), and P Warwick, **Black people and the South African War, 1899-1902** (Cambridge, 1983).

<sup>19</sup> With regard to the peace negotiations see, for example, JD Kestell and DE van Velden, **The peace negotiations between Boer and Briton in South Africa** (London, 1912).

notes and receipts are found by this Commission to have been duly issued for consideration in value, then they shall be accepted by the said Commission as proof of war losses suffered by the persons to whom they had originally been given. In addition to the above-mentioned free gift of £3,000,000, His Majesty's Government will be prepared to grant advances, in the shape of loans, for the same ends, free of interest for two years and afterwards repayable over a period of years with three per cent. interest. No foreigner or rebel shall be entitled to benefit by this Clause.<sup>20</sup>

The peace terms are often described as lenient and as being unusual for that particular point in time. For example, Farewell states that it was the first time that a conqueror attempted reparation and rehabilitation on such a large scale of a vanquished foe.<sup>21</sup>

The reparation process consisted of two main aspects, namely repatriation assistance and compensation for material war losses. After the war, Sir Alfred Milner (1854-1925) became High Commissioner of the Transvaal and the Orange River Colony (O.R.C.) and was thus in charge of the implementation of reparation. It was a daunting task. About 200 000 white and 100 000 black people - the majority of both groups being very poor - had to be returned to the largely devastated land. The agricultural sector had basically come to a standstill and there was an acute lack of livestock. The winter following the peace was extremely harsh, and thereafter came a very severe drought (1903-8), epidemics of cattle disease and a plague of locusts. Additionally, new political institutions had to be created, the infrastructure was in great need of development, and there was an acute shortage of labour in the mines.<sup>22</sup>

Milner's main goal with the reconstruction effort was to secure South Africa for Britain and one of the main motives behind the reparations was to create a docile Afrikaner<sup>23</sup> population that would not make political demands. In order to secure

<sup>20</sup> Amery, vol. 5, p. 599.

<sup>21</sup> B Farewell, *The Great Boer War* (London, 1977), p. 446. See also Amery, vol. 5, p. 592; E Belfield, *The Boer War* (London, 1975), p. 148; PG Cloete, *The Anglo-Boer War: a chronology* (Pretoria, 2000), p. 330; GH Le May, *British supremacy in South Africa, 1899-1907* (Oxford, 1965), p. 154; GB Beak, *The aftermath of war: an account of the repatriation of Boers and natives in the Orange River Colony, 1902-1904* (London, 1906), p. 33, and VR Markham, *The new era in South Africa: with an examination of the Chinese labour question* (London, 1904), pp. 8, 16.

<sup>22</sup> Farewell, pp. 444-5; P Warwick (ed.), *The South African War: the Anglo-Boer War, 1899-1902* (Burnt Mill, 1980), pp. 335-6; SE Katzenellenbogen, "Reconstruction in the Transvaal" in Warwick (ed.), p. 343; Markham, p. 4.

<sup>23</sup> After the war, the term 'Boer' fell away and 'Afrikaner' came to be the concept that was used to refer to Afrikaans-speaking white people in the four colonies that became South Africa in 1910.

British supremacy, attempts were also made to anglicise the Afrikaners and to outnumber them by means of British immigration.<sup>24</sup>

Repatriation Boards were created in both colonies and local ones in the various districts. The **bittereinders** were underrepresented on the local commissions in comparison to British officials, **hensoppers** and joiners,<sup>25</sup> which led to much discontentment among the former. The commissions were also criticised for including many people who had little farming experience, which was seen as one of the reasons behind the widespread inefficiency of the commissions.<sup>26</sup>

Joiners were given preferential treatment and were usually able to return to their farms before the **bittereinders**. They were also hired in the civil service, for example, in the police force - an issue that led to much bitterness.<sup>27</sup>

After having signed an oath of allegiance, ex-burghers and their families received transportation home and one month's rations, a tent and bedding. Due to practical difficulties with regard to repatriation, the concentration camps remained in existence for nine months after the end of the war. Nevertheless, the repatriation effort was relatively successful and at the beginning of April 1903 most people had been restored to their homes.<sup>28</sup>

In contrast to repatriation, the issue of compensation created much criticism and unhappiness, partly due to the vagueness of the peace treaty. One of the main issues of contention was who was eligible for compensation. The term 'people', used in clause ten of the treaty, could be interpreted differently. Most **bittereinders** thought it meant the Afrikaners in the former republics who had fought to the end, for example, since no **hensoppers** or joiners had been involved in the peace

<sup>24</sup> Katzenellenbogen, p. 346; R Hyam and P Henshaw, **The lion and the springbok: Britain and South Africa since the Boer War** (Cambridge, 2003), p. 54; D Denoon, **A grand illusion: the failure of imperial policy in the Transvaal Colony during the period of reconstruction, 1900-1905** (London, 1973), pp. 40-1.

<sup>25</sup> The **hensoppers** were Afrikaners who had laid down their weapons prior to the peace. Joiners were Afrikaners who had gone over to fight on the British side. After the war, the relationship between the **bittereinders**, i.e. those who had fought to the end, and the other two groups was very sour.

<sup>26</sup> Beak, pp. 48-9; Markham, p. 20; JD Kriel, **Emily Hobhouse en die naweë van die Anglo-Boereoorlog: 'n studie van altruïsme en pasifisme** (Bloemfontein, 1956), pp. 168, 178-9, 198; R van Reenen, **Heldin uit die vreemde: die verhaal van Emily Hobhouse** (Cape Town and Johannesburg, 1970), p. 80; JR MacDonald, **What I saw in South Africa, September and October 1902** (London, 1902), pp. 79-83.

<sup>27</sup> AM Grundlingh, **Die hensoppers en joiners: die rasionaal en verskynsel van verraad** (Pretoria, 1979), pp. 280-3.

<sup>28</sup> Beak, p. 38; Markham, p. 25; Amery, vol. 6, pp. 48-52; E Hobhouse, **War without glamour: or women's war experiences written by themselves** (Bloemfontein, 1924), p. 60; MacDonald, p. 85.

negotiations and since these groups had their own agreement with the British. Britain and British officials interpreted it as including all Afrikaners in the two colonies. Some people also included people of British descent as well as black people in the definition.<sup>29</sup>

A Protected Burgher Fund of £4 500 000 was created specifically for **hensoppers** and joiners, but they could also apply for money from the fund of three million pounds. **Hensoppers**, in general, received more compensation than **bittereinders**, and joiners fared even better. These groups were also compensated ahead of the **bittereinders**.<sup>30</sup>

A third fund of two million pounds was created for the repatriation of, and compensation to, British subjects, neutral foreigners and black people. Of this amount, merely £300 000 was devoted to black people,<sup>31</sup> who, consequently, received very little reparation.

Repatriation depots were placed in the various districts. The food, seeds, livestock and equipment available at the depots were not for free, but loans were given in order to pay for these items. One purpose behind this was to avoid undermining Afrikaner economic activity, although the government actually did not intend to recover the debts. A result was that people were constantly and uncomfortably aware of their indebtedness. In addition, since they feared debt, the Afrikaners were inclined to question the value of what was provided. Much dissatisfaction also arose around the often extremely bad condition of the expensive livestock.<sup>32</sup> Many Afrikaners could furthermore not get to the depots since they did not have transportation.<sup>33</sup>

Claims for compensation were initially handled by a Military Compensation Committee, but at the beginning of 1903 the civil administration took over and created two Central Judicial Commissions that co-ordinated the work of local commissions.<sup>34</sup>

<sup>29</sup> Grundlingh, p. 262-3, 294; Amery, vol. 6, pp. 82-3; Kriel, pp. 163-4, 168, 187; API van Rensburg, "Die ekonomiese herstel van die Afrikaner in die Oranjerivier-Kolonie, 1902-1907", *Archives Year Book for South African History* 30(2), 1967, pp. 230-1, 233-9.

<sup>30</sup> Grundlingh, pp. 298-300; Van Rensburg, pp. 239-41. The first **hensoppers** received compensation in May 1903, while the first **bittereinders** did not receive it until October 1905, at least in the O.R.C. (Grundlingh, p. 299).

<sup>31</sup> Beak, pp. 40, 243; Grundlingh, p. 297; Amery, vol. 6, p. 83; Van Rensburg, p. 241.

<sup>32</sup> A Terblanche, *Emily Hobhouse* (Johannesburg, 1948), p. 230; MacDonald, p. 84; Denoon, pp. 67-8.

<sup>33</sup> Kriel, p. 216; Terblanche, p. 232.

<sup>34</sup> Cloete, p. 336; MacDonald, p. 83; Denoon, p. 65. Verified claims were to be paid in full up to a maximum of £25, above that level they were to be paid 10% (Denoon, p. 64). In the Transvaal, 24 752 claims were investigated, 2 683 of which were rejected; the rest received full or partial



Disappointment and bitterness with regard to compensation was widespread and Beak states that "the payment of compensation produced more dissatisfaction and ill-feeling than probably any other measure".<sup>35</sup> Many Afrikaners thought that the sum they received was far too inadequate. When the British army had taken or destroyed property, they had generally given receipts to the owners who were often told that these were as good as money. Consequently, many people believed that they would be fully compensated for their losses, even though that was never intended in the peace agreement.<sup>36</sup> The difficulties and delays surrounding the assessment of claims and the payment of compensation also caused much discontent, and people started to doubt whether they would ever receive money. Impossible proof was sometimes demanded and the amount that was paid out was often arbitrary.<sup>37</sup> Local antipathies also frequently influenced decisions. The Repatriation Boards and the Judicial Commissions were often accused of wasting money and their officials commonly showed contempt for the people seeking help.<sup>38</sup> Many of the officials also only spoke English, while many of those they were supposed to help spoke only Afrikaans, creating communication problems.<sup>39</sup>

Reparation projects were also carried out by people and organisations that were not connected to the British government. The efforts of Emily Hobhouse (1860-1924) were of particular importance. She had visited the concentration camps during the war and had contributed extensively to spreading information about them. In May 1903, she returned to South Africa and raised money that was, for example, used for food and teams of plough-oxen. She also formed the Boer Home Industries Aid Societies, a job creation project aimed at increasing self-respect and preventing urbanisation.<sup>40</sup>

The most important aspect of Emily Hobhouse's work was probably her recognition and acknowledgement of the suffering of the Afrikaners and of the wrongdoing of Britain.<sup>41</sup> This acknowledgement was particularly important since it came from a

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compensation. In total, 43% of the claimed money was paid out. In the O.R.C., 17 747 claims were investigated, 615 of which were rejected. The money that was paid out consisted of approximately 42% of what was claimed. In general, **hensoppers** and English-speaking South Africans received a higher percentage of their claims than the **bittereinders** (Van Rensburg, pp. 253-4).

<sup>35</sup> Beak, p. 258.

<sup>36</sup> Van Rensburg, pp. 231-2.

<sup>37</sup> Amery, vol. 6, pp. 83-4; Terblance, pp. 232-4; Van Reenen, pp. 80-2; MacDonald, pp. 89, 97.

<sup>38</sup> Amery, vol. 6, p. 100; Beak, pp. 57-60; Van Rensburg, p. 247.

<sup>39</sup> Kriel, p. 216; Terblance, p. 229.

<sup>40</sup> J Fisher, **That Miss Hobhouse: the life of a great feminist** (London, 1971), pp. 212, 220, 223-7;

<sup>41</sup> Kriel, p. 219; Terblanche, p. 162; Van Reenen, p. 100.

Van Reenen, p. 85.

British citizen.<sup>42</sup> Fisher states that Hobhouse "laid the foundations of reconciliation between Boer and Briton".<sup>43</sup> Her books about the concentration camps, as well as her listening to numerous accounts of hardships, can be seen as important regarding both acknowledgement and the spread of knowledge.<sup>44</sup>

The reparation process after the Anglo-Boer War had mixed results. It did assist in keeping people alive, but since it was widely perceived as unfair, arbitrary and inefficient, it lost much of its potential regarding improving the relationship between the adversary groups. It can even be argued that the problems around compensation worsened the relationship between many Afrikaners and the new regime. Milner did not succeed in creating docile and apolitical Afrikaners. In fact, dissatisfaction with regard to compensation was one of the main factors behind the movement to create political parties among the Afrikaners in 1904 and 1905, resulting in the establishment of Het Volk in the Transvaal in 1905 and Orangia Unie in the O.R.C. in 1906.<sup>45</sup>

One crucial issue that limited the impact of reparations was that the former enemy was in authority and that Milner, one of the most hated men, was in charge. Reparations could not compensate for the loss of independence, or for unpopular aspects of Milner's rule; the anglicisation efforts and the suppression of Afrikaans being of particular importance. According to Denoon, whatever political gain the new regime hoped to achieve from reparations, it was more than counterbalanced by Afrikaner suspicions regarding its intentions.<sup>46</sup>

The compensation given after the Anglo-Boer War was not meant or perceived as compensation for death and suffering, but merely for material losses. It was, furthermore, not combined with an acknowledgment of wrongdoing and therefore it lost much of its potential.

The reparation process after the Anglo-Boer War illustrates many of the problems that can obstruct such a process from being carried out efficiently. After wars, many things are often lacking, such as transportation, building material, livestock, and competent and willing personnel. Unexpected factors can also influence the process, for instance, the severe drought in the case of the post-Anglo-Boer War context.

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<sup>42</sup> It should also be noted that many British people had severe prejudices against the Afrikaners, who were, for example, seen as lazy, dirty, vicious, treacherous and murderous.

<sup>43</sup> Fisher, p. 266.

<sup>44</sup> See, for example, E Hobhouse, **Die smarte van die oorlog en wie dit gely het** (Cape Town, 1923), and Hobhouse, **War without glamour**.

<sup>45</sup> Grundlingh, pp. 301-3, 346-9; Van Rensburg, pp. 256-7.

<sup>46</sup> Denoon, p. 73.

In 1906, there was a government shift in Britain and the Liberal Party, which had largely been against the methods with which the war had been fought, came into power. Soon thereafter they granted self-government to the Transvaal (1906) and the O.R.C. (1907). This act, which can be seen as a form of partial restitution, had a much greater impact with regard to improving the relationship between the former adversaries and between Afrikaans- and English-speaking South Africans than the post-war reparations had.

The post-1994 reparation process in South Africa will be discussed below.

#### 4. REPARATIONS IN POST-1994 SOUTH AFRICA

Reparations have been discussed relatively extensively in post-1994 South Africa, but have been in the shadow of other issues, such as amnesty. The main focus with regard to reparations has been on the Truth and Reconciliation Commission (TRC), but other issues can also be seen as important and will be discussed later in this section.

The TRC<sup>47</sup> was established in 1995 and held its first hearing in 1996. It consisted of three committees, namely the Human Rights Committee, the Amnesty Committee and the Reparation and Rehabilitation Committee, of which the latter received the least attention. The TRC's main aim was to promote national unity and reconciliation by (i) establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights committed from 1 March 1960 to May 1994,<sup>48</sup> (ii) facilitating the granting of amnesty to people who made a full disclosure of all relevant facts relating to acts associated with a political objective, (iii) establishing and making known the fate of victims and restoring their dignity by granting them an opportunity to give their own account of the violations and by recommending reparation measures, and (iv) compiling a comprehensive report.<sup>49</sup>

Thus, one of the TRC's objectives was to **recommend** reparation measures to the President and to Parliament, but it did not have the power to implement these,

<sup>47</sup> For general sources about the TRC see, for example, A Boraine, **A country unmasked: inside South Africa's Truth and Reconciliation Commission** (Cape Town, 2000); LS Graybill, **Truth and reconciliation in South Africa: miracle or model?** (Boulder, 2002); K Christie, **The South African Truth Commission** (Houndmills, 2000); D Posel and G Simpson (eds), **Commissioning the past: understanding South Africa's Truth and Reconciliation Commission** (Johannesburg, 2001), and C Villa-Vicencio and W Verwoerd (eds), **Looking back, reaching forward: reflections on the Truth and Reconciliation Commission of South Africa** (Cape Town, 2000).

<sup>48</sup> The cut-off date was initially 5 December 1993 (Boraine, p. 47).

<sup>49</sup> **The Truth and Reconciliation Commission of South Africa Report**, vol. 1 (Cape Town, 1998), p. 55. Hereafter referred to as **The TRC Report**.

something the victims often found difficult to understand.<sup>50</sup> Reparations were defined as "any form of compensation, **ex gratia** payment, restitution, rehabilitation or recognition".<sup>51</sup> It was decided early in the process that there was no obligation on the side of the perpetrators to pay for reparations.<sup>52</sup>

Reparation was seen as a crucial part of the TRC process and in the report it is stated that "without adequate reparation and rehabilitation measures, there can be no healing or reconciliation".<sup>53</sup> Reparation was seen as a counterbalance to the amnesty process; while the perpetrators could receive amnesty, the victims could receive reparation. In addition, if a perpetrator was given amnesty, the victim would lose the right to sue for damages and reparation would, at least partly, make up for this.<sup>54</sup> Moreover, reparation was one of the aspects that was supposed to gear the Commission towards the needs of the victims rather than towards the perpetrators. It also formed an important part in the strategy of restorative justice pursued by the Commission.<sup>55</sup>

Before recommending specific reparation measures, the TRC wished to hear what the victims wanted.<sup>56</sup> The victims' needs and expectations regarding reparations differed extensively. Frequently, the expectations were modest and mainly symbolic.<sup>57</sup> However, Orr states that the modesty of the victims' claims was exaggerated. The most common requests were for money and for services that money could purchase. The second most common request was for the truth.<sup>58</sup> The practice of asking victims what they wanted created some problems; the main one being that it allowed expectations to "run riot, without realistic containment".<sup>59</sup>

The TRC's reparation recommendations consist of five components, namely urgent interim reparation, individual grants, symbolic reparation, community rehabilitation and institutional reform. The purpose of **urgent interim reparation** was to assist people with pressing needs. The amount given was based on need and on number

<sup>50</sup> W Orr, "Reparation retarded is healing delayed" in Villa-Vicencio and Verwoerd (eds), p. 242.

<sup>51</sup> **The TRC Report**, vol. 5, p. 175.

<sup>52</sup> Boraine, 41. There were a few cases of perpetrators wishing to pay reparations, the most well-known one being that of Brian Mitchell and the Trust Feed Farm, see D Tutu, **No future without forgiveness** (London, 1999), pp. 136-8.

<sup>53</sup> **The TRC Report**, vol. 5, p. 170.

<sup>54</sup> **Ibid.**, p. 170; Christie, p. 149; G Simpson, "Tell no lies, claim no easy victories: a brief evaluation of South Africa's Truth and Reconciliation Commission" in Posel and Simpson (eds), p. 242.

<sup>55</sup> Posel and Simpson, p. 11; L van de Vijver, "The amnesty process" in W James and L van de Vijver (eds), **After the TRC: reflections on truth and reconciliation in South Africa** (Claremont, 2000), p. 136.

<sup>56</sup> Boraine, p. 334.

<sup>57</sup> Tutu, p. 60; Boraine, p. 334; Simpson, p. 241.

<sup>58</sup> Orr, pp. 241-2.

<sup>59</sup> **Ibid.**, p. 242.

of dependants. For example, a single applicant could receive R2 000, while an applicant with five or more dependants could receive R5 705. If a victim's needs were seen as urgent, the information was forwarded to the President's Fund, from which payments were made. The first urgent interim payment was made in July 1998.<sup>60</sup>

With regard to **individual reparation**, the most important choice was whether they should be monetary or in the form of a service package. The main reason for choosing the first option was that it was preferred by most victims. It would also simplify fiscal management and administration.<sup>61</sup> The main purposes behind the grant were to acknowledge suffering, restore dignity, enable access to services and subsidise living costs. The grant was to be based on a benchmark of R21 700 (the median annual household income in South Africa in 1997). The minimum amount was to be R17 000 and the maximum R23 023 per annum, based on the number of dependants and on whether the victim lived in a rural or an urban area. The payments would consist of six-monthly instalments for a period of six years.<sup>62</sup> The grant would be given to the approximately 22 000 people who had been classified as victims by the Human Rights Commission. It would have been impossible to give individual grants to all South Africans who were victimised during the apartheid era. However, the symbolic and community-based reparation proposals were aimed at affecting a larger portion of victims.

The TRC recommended a number of **symbolic reparatory** measures. At an individual level, these included, for example, the issuing of death certificates, exhumations and reburials, headstones and tombstones, and the expunging of criminal records. At community and national level the recommendations included the renaming of streets and facilities, the construction of memorials and monuments, culturally appropriate ceremonies, and a day of remembrance. According to the Commission, the symbolic measures should be implemented as inclusively as possible and should help people remember in a positive, rather than in a vindictive, way.<sup>63</sup>

The proposals regarding **community rehabilitation** aimed at addressing systematic and structural consequences of apartheid, as well as promoting reconciliation. For example, a programme to resettle displaced people, local treatment centres focused on the needs of victims, and rehabilitation for perpetrators and their families were

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<sup>60</sup> **The TRC Report**, vol. 5, pp. 181-3. By September 2000, 8 000 people had received interim reparations. By April 2001, 42 million rand had been paid out to 13 504 victims (Graybill, p. 150).

<sup>61</sup> **The TRC Report**, vol. 5, pp. 178-9, 184; Orr, p. 244.

<sup>62</sup> **The TRC Report**, vol. 5, pp. 184-5; Orr, pp. 242, 246.

<sup>63</sup> **The TRC Report**, vol. 5, pp. 189-90; Tutu, p. 60.

recommended. Mental health services were also emphasised, as well as education and housing.<sup>64</sup>

Finally, regarding **institutional reform**, the TRC recommended, for instance, that certain measures should be taken in order to prevent future human rights abuses, for example, transparent governance and human rights education.<sup>65</sup>

Finding out the truth, receiving acknowledgement and being empowered to tell one's story were important reparation measures included in the TRC process. However, some victims only received half-truths or no information whatsoever, a fact that could worsen their possibility of healing.<sup>66</sup>

Delay with regard to the delivery of reparation is often seen as the biggest failure of the TRC process. The government would not consider the issue of reparation until the amnesty process and the final volumes of the **TRC Report** were completed.<sup>67</sup> So, while perpetrators who received amnesty were granted immediate freedom,<sup>68</sup> the victims had to wait very long for any information with regard to reparation. This was contrary to the aim of restoring the dignity of victims and the process appeared to be perpetrator-friendly. The concept of restorative justice was in jeopardy and in a way the victims were once again victimised. Many victims felt alienated, forgotten and used by the Commission and the failure to deliver reparations was seen as reflecting indifference towards the victims on the part of the government.<sup>69</sup>

The TRC denied that it was a legal requirement that the amnesty process had to be completed in order for final reparations to be delivered,<sup>70</sup> but the government did not change its mind and the final decision did not come until 15 April 2003, shortly

<sup>64</sup> **The TRC Report**, vol. 5, pp. 190-3.

<sup>65</sup> **Ibid.**, pp. 190-4, 311-2.

<sup>66</sup> M Matshoba, "Nothing but the truth: the ordeal of Duma Khumalo" in Posel and Simpson (eds), pp. 131-44; Hamber, p. 220.

<sup>67</sup> The TRC's final report was released on 30 October 1998, but the Amnesty Committee continued its work until December 2001. The handover of the final volumes of the report was scheduled for late 2001, but was delayed until March 2003 (M Fullard and N Rousseau, "An imperfect past: the Truth and Reconciliation Commission in transition" in J Daniel et al., **State of the nation: South Africa 2003-2004** (Cape Town, 2003), p. 78.

<sup>68</sup> Out of a total of 7 127 amnesty applications, 1 146 were successful (T Lodge, **Politics in South Africa: from Mandela to Mbeki** (Oxford, 2002), p. 182).

<sup>69</sup> Interview with Canon L Pato, South African Council of Churches, Johannesburg, 11 November 2003; interview with Ms N Mosikare, Khulumani Support Group, Johannesburg, 17 November 2003; interview with Mr S Masitha, Centre for the Study of Violence and Reconciliation, Johannesburg, 19 November 2003; G Bizos, "Why prosecutions are necessary" in C Villavicencio and E Duxtader (eds), **The provocations of amnesty: memory, justice and impunity** (Claremont, 2003), p. 8; Orr, p. 242; A Krog, **Country of my skull**, 2<sup>nd</sup> ed. (Johannesburg, 2002), p. 290.

<sup>70</sup> Graybill, p. 153.

after the last volumes of the report had been finished. It was decided that the victims identified by the TRC would receive a once-off grant of R30 000. While there was relief that a decision had finally been reached, many victims were disappointed with the amount.<sup>71</sup>

The government is also providing reparation through a pension scheme for members of anti-apartheid organisations. The annual amount is between R24 000 and R84 000, depending on age and length of organisational service. Even if this effort has not been without problems, the difference in approach compared to that of the treatment of the TRC victims is striking. According to Fullard and Rousseau, this might depend on the TRC victims' lack of political power. Former exiles, political prisoners and Umkhonto we Sizwe combatants have far more access to the people in power.<sup>72</sup>

Monetary reparation has also been demanded in a number of judicial processes. For example, in 2002, two lawsuits were filed in the United States of America (USA) against almost 30 multinational companies and international banks for having provided finances, oil and technology to the apartheid government. The South African government did not support any of the lawsuits. In December 2004, the biggest one of them was dismissed by the Southern District Court of New York.<sup>73</sup>

Many of the TRC's reparation proposals have received little attention, since the focus has been on the individual grant. Other reparation measures, some included in the proposals, others not, will be discussed below. These approaches have the potential of affecting a larger portion of the population and they are more open ended and long term than the individual grant. The focus will be on symbolic reparation, although other issues will be briefly touched upon.

As stated above, symbolic reparations can be of great importance. Monuments, for instance, can function as gestures of compensation for losses, shortcomings and errors of the past. Many new monuments have been erected in South Africa since 1994. Most of them relate to the anti-apartheid struggle and many have been

<sup>71</sup> Interview with Ms N Mosikare, Johannesburg, 17 November 2003; "Amnestie-pad gesluit", **Beeld**, 16 April 2003, p. 1; "Joy, anger at apartheid payouts", **The Star**, 16 April 2003, p. 1; "It sounds like a lot, but it isn't", **Saturday Star**, 19 April 2003, p. 5.

<sup>72</sup> Fullard and Rousseau, pp. 89-90. Most of the victims identified by the TRC were ordinary and often poor township residents who were swept up in the conflicts of the mid-1980s and early 1990s. Only a few were members of political organisations (Fullard and Rousseau, p. 90).

<sup>73</sup> "Mbeki stel sakelui gerus oor dié eise", **Sake Beeld**, 16 April 2003, p. 1; "Sasol ook in pekel oor apartheid", **Rapport**, 6 April 2003, p. 2; Fullard and Rousseau, p. 99; "Hoekom 'apartheidseis' in die VSA misluk het" **Beeld**, 20 January 2005, p. 26; "Activists hit out at 'reactionary' government", **Star**, 7 December 2004, p. 6.

deliberately erected to respond to or complement old monuments.<sup>74</sup> Also, some old monuments have been removed from public display, such as the statue of Dr HF Verwoerd in Bloemfontein.<sup>75</sup> The issue of removing monuments has created much debate, for example, regarding the plans in 2003 to remove the statue of Paul Kruger situated at one of the gates to the Kruger National Park. A more constructive and reconciliatory action would, in many cases, be to add instead of removing structures, thereby presenting a more complex and truthful image of the past.<sup>76</sup>

Commemorations are an often neglected form of reparation, but can play an important role, for example, concerning investigating the past and acknowledging wrongs. Within the span of a commemoration, it is also possible to present various interpretations of the past and thus promote respect for the existence of different views. Commemorations can also spread knowledge about the past, thereby improving people's understanding of the present, an issue that can be important for reconciliation, as well as with regard to the avoidance of repeating the mistakes of the past. One example of such a commemoration in South Africa was the commemoration of the centenary of the Anglo-Boer War (1999-2002), during which different views of the past were presented in a relatively balanced and complex manner.<sup>77</sup>

New museums or the modification of old ones is a symbolic factor that can have similar effects as commemorations and monuments.<sup>78</sup> Many museum exhibitions in South Africa have been altered in order to present a more truthful picture of the past, although there is still work to be done in this regard. New museums have also been erected, such as the Apartheid Museum in Johannesburg. Another example is Robben Island, which is simultaneously a museum and a monument.<sup>79</sup>

Creating days of remembrance is a symbolic measure that has been used relatively extensively in South Africa, which has a large number of new public holidays, such as Human Rights Day (21 March, commemorating the Sharpeville shooting of

<sup>74</sup> S Marschall, "Heritage sites as gestures of compensation", paper delivered at the Biennial Conference of the South African Historical Society, 29 June – 1 July 2003, pp. 1-2.

<sup>75</sup> C Rassool, L Witz and G Minkley, "Burying and memorialising the body of truth: the TRC and national heritage" in James and Van de Vijver (eds), p. 121.

<sup>76</sup> Marschall, p. 4.

<sup>77</sup> With regard to the commemoration of the centenary of the Anglo-Boer War, see A-K Evaldsson and A Wessels, "The Anglo-Boer War centennial: a critical evaluation", *Journal for Contemporary History* 27(3), 2003, pp. 125-44.

<sup>78</sup> With regard to museums in post-1994 South Africa see, for example, P Davison, "Museums and the reshaping of memory" in S Nuttall and C Coetzee (eds), *Negotiating the past: the making of memory in South Africa* (Cape Town, 1998), pp. 143-60.

<sup>79</sup> With regard to Robben Island see H Deacon, "Remembering tragedy, constructing modernity: Robben Island as a national monument" in Nuttall and Coetzee (eds), pp. 161-79.



1960), Youth Day (16 June, in commemoration of the 1976 Soweto uprising), Women's Day (9 August, in remembrance of a protest march in 1956 against compelling women to carry passes), and Day of Reconciliation (16 December, a public holiday for many years, first known as Dingaan's Day and later as the Day of the Vow).

The re-interpretation of the past is a significant form of symbolic reparation, but it is important to avoid presenting an official and absolute version of the past. Instead it should be stressed that there are many ways of viewing the past, and since there is no single correct interpretation, a multiperspective approach to history should be adopted.

It must be noted that there are some dangers related to monuments, museums and commemorations and name changes since they might distort, gloss over or simplify the past. And, in so doing, they can worsen conflicts and divisions. Therefore, there is a need to strive for complexity, truthfulness and critical reflection while presenting the past.

It can be argued that in order for lasting reconciliation to take place, the material circumstances must change for the majority of South Africans. This can be viewed as reparation in the form of general socio-economic development, including issues such as job creation, housing, electricity, clean water and improved health care. Democracy, the rule of law, and the new constitution have also been seen as forms of collective reparation.<sup>80</sup> It is, however, arguable whether these issues are actually perceived as reparation by the victims and the general public, since they are indeed the responsibility of any democratic state.

The only issue in South Africa related to restitution is the land reform project, of which complete or partial restitution is the main aim, but since this is often not possible, monetary compensation is frequently given instead, in particular in the urban areas. Claims had to be submitted before 31 December 1998, and could be made regarding the period after 19 June 1913, the day on which the Native Land Act was promulgated.<sup>81</sup> The land reform issue is very problematic in contemporary South Africa and needs to be handled with great care.

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<sup>80</sup> See, for example, Graybill, p. 155.

<sup>81</sup> See, for instance, M Aliber and R Mokoena, "The land question in contemporary South Africa" in Daniel et al., (eds), pp. 337-43, and J Murphy, "The restitution of land after apartheid: the constitutional and legislative framework" in Welamira and Werle (eds), pp. 113-32. The total number of claims was 79 687 (Aliber and Mokoena, p. 337).

It is difficult, if not even impossible, to evaluate the post-1994 reparation process since it is still ongoing. Preliminarily, it can be argued that the result is mixed, for example, due to the delay in delivery and to a lack of resources, where a balance has to be reached between reparation and other urgent societal goals.

## 5. CONCLUDING PERSPECTIVES

The reparation processes discussed in this article took place under very different circumstances and after different types of conflicts. The Anglo-Boer War was a violent interstate war and created a large number of victims. The present reparation process was preceded by a long internal conflict and is therefore dealing with a much longer period than was the case after the Anglo-Boer War. This difference is important since it contributes to making the contemporary reparation efforts more complicated than those after the Anglo-Boer War. For example, regardless of the problems of assessing how much money individual victims should receive in reparation after the war, it was less complicated than is presently the case. In fact, the contemporary process, with the exception of the land reform project, does not entail restitution or compensation for material losses, which were the dominant forms of reparation after the Anglo-Boer War. Moreover, at that time, it was neither difficult to establish which farm belonged to whom nor to return what was left of it.<sup>82</sup> The present land restitution/compensation process is much more complicated due to chains of intervening ownership.

Another important contextual difference is that of the political dispensations. After the Anglo-Boer War, Britain was in power and the loss of independence was a significant trauma for many Afrikaners, and being ruled by the former enemy most probably rendered it more difficult to work through the trauma than would otherwise have been the case. In addition, the reparations were given by what was seen as an occupying power, something that significantly reduced their potential ameliorative effects.

A similarity with regard to the two contexts is that the great majority of recipients of reparations were poor. In the first example, reparations were needed in order to avoid large-scale starvation, while, in the latter case, the TRC recommended that the individual grant should be an amount that would make a difference to the living standards of the victim.

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<sup>82</sup> There were, however, some instances where black people during the war situated themselves on farms owned by Afrikaners, in some cases since they believed that the farms had originally belonged to them. These families were removed relatively quickly.

The goals of the two reparation processes differed widely. The main goal of the first one was to create docile Afrikaners who would not object to the new rule; while the main goals of the second one are to contribute to healing, the restoration of human dignity, reconciliation and a sense of justice. The difference with regard to objectives can, to some extent, explain the different forms that reparation took in the two examples. The reparations after the Anglo-Boer War were basically purely material and monetary. In contrast, reparation in the present process is given mainly for suffering and abuse, and not for specific material losses. Additionally, the psychological aspect, which is strongly emphasised in the contemporary example, was not taken into consideration after the Anglo-Boer War and the trauma was, to a large extent, left unattended.

The contemporary reparation process is far more comprehensive than the one after the war and there is today a greater awareness of the importance of symbolic reparations. It can be argued that the lack of symbolic reparations after the war contributed to the extensive interest in issues connected to the representation and remembrance of the past that later developed among many Afrikaners, as well as to a nationalistic interpretation of the past.

Symbolic reparation is not without its problems and can reinforce or lead to new conflicts. One example of this in contemporary South Africa is the issue of changing the names of towns; the controversial question of whether the name of Pretoria should change or not, being of particular importance. An awareness of the potential problems with regard to symbolic reparation is necessary, as is the promotion of respect for various interpretations of the past and for cultural differences.

Tension can appear between different forms of reparation, especially in a country with severely limited resources. An example is the tension between individual and collective reparation in South Africa today. Collective reparation aimed at redressing structural and institutional injustices is important, especially in order to create sustainable peace, but as written above it is questionable whether people actually view these issues as reparation.

The examples discussed in this article illustrate a number of difficulties with regard to reparation that are frequently not properly acknowledged in the literature about reparation. Reparation is often more complicated than it might initially appear to be and there are many pitfalls into which even the most well-meant reparatory process can fall, and that could make reparation counter-productive when it comes to improving inter- and intra-group relationships as well as regarding the healing of

trauma. These potential pitfalls refer mainly to issues surrounding the fairness, adequacy, delivery and expectations of reparations.

A sense of **fairness** appears to be a crucial condition for a reparation process to be successful. If people feel that they are treated unfairly, the process might create or deepen conflicts. To achieve a sense of fairness is, unfortunately, easier said than done, a fact that must be considered **before** a reparation process is initiated. With regard to the Anglo-Boer War, the vagueness of the reparation clause in the treaty led many Afrikaners to consider the process to be unfair, as did the preferential treatment of joiners and **hensoppers**. The question of fairness is also central in the contemporary reparation process, especially in relation to who should receive reparation. It was necessary to limit individual monetary reparation to a closed list of victims, something that could not be done without a certain degree of arbitrariness, opening up the possibility of accusations of unfairness. The question of fairness is also linked to the treatment of the victims in relation to the perpetrators. The fact that perpetrators could walk free immediately after having received amnesty, while the victims had to wait very long for a decision with regard to reparation, caused feelings of unfairness.

Reparations can never make full amends, except in the case of basically perfect restitution, which is very rare. Nevertheless, questions regarding the **adequacy** of reparation figured strongly in both empirical examples. After the Anglo-Boer War many Afrikaners thought that the reparation was inadequate, especially since many of them believed that they would be fully compensated and since the compensation that was given was usually not even remotely close to what was needed for them to start their life over again. In contemporary South Africa there are divergent views regarding the adequacy of the reparations, and especially of the individual grants.

In both examples, the major problem can be said to have been the implementation and **delivery** of the reparations. It is important that the process of applying for and receiving reparation is sensitive and sympathetic to the victims, which was, for instance, often not the case after the Anglo-Boer War. But even more important was the fact that the delivery of reparations was seen as too late, inefficient, arbitrary and unfair. The problems surrounding implementation made many Afrikaners hostile to the entire enterprise. The delay and lack of information with regard to the delivery of reparations in the post-1994 period can be seen as the biggest problem concerning reparations and, indeed, perhaps as the biggest problem of the entire TRC process. Difficulties and delays with regard to the delivery of reparations left many victims in both examples feeling bitter and deserted. It could even be seen as a new case of victimisation. Moreover, if the implementation process leaves people

feeling negative towards the entire project, not even the final delivery will necessarily make these negative feelings disappear.

Finally, the question of **expectations** is crucial when it comes to the success or failure of a reparation process. Such a process will always create expectations among people and it is crucial that those in charge are aware of this fact and do their best to attend to it. Unrealistic expectations must be prevented as far as possible, since unfulfilled expectations can cause much bitterness. The gap between real and expected reparations should be as small as possible. In order to attend to this, the three issues discussed above should be dealt with in a specific manner. Firstly, an attempt must be made to be as fair as possible regarding who is eligible for reparation and as soon as a decision has been reached in this regard, it should be made known publicly. The demarcation of who is eligible for reparations should also be clear in order to avoid any misunderstanding and divergent interpretations. Secondly, it is difficult to solve the common discrepancy between expectations and actual reparations. It is necessary to make known the limited resources that are at hand and to indicate what amount people could expect to receive, in order to prevent expectations from going completely haywire. Thirdly, it is exceptionally important to deliver what was promised promptly, efficiently and sympathetically.

Reparation as a means of dealing with human rights violations involves both possibilities and dangers. If reparations are carried out in a manner sensitive to the context in question and to the potential problems discussed in this article, they can promote, for example, reconciliation, the healing of trauma, the creation of a sense of justice, as well as the consolidation of democracy and peace. But, if they are carried out in a manner insensitive to the particular context, appear to be unfair or far too inadequate, and if they are delayed and/or fall far too short of the victims' expectations, there is a risk that they might even worsen a situation. Nevertheless, since a reparation process can probably never be completely perfect, an imperfect process is, in most cases, better than no reparation whatsoever.