The issue of a Truth and Reconciliation Commission has generated much public debate and some apprehension...what this issue raises is how we deal with a past that contained gross violations of human rights - a past which threatens to live with us like a festering sore.

Nelson Mandela, as part of his 100 Day Speech to Parliament in 1994.

In tribute to former South African President Nelson Mandela’s legacy, I devote this week’s column to understanding the values, design, and experiences of truth and reconciliation commissions and what it means to design processes for social justice.

Although South Africa’s Truth and Reconciliation Commission (TRC) is one of the most famous, Amnesty International counts 32 truth commissions that have taken place from 1972 to 2007.

Uganda held the first modern truth commission in 1974. Established by President Idi Amin in response to public pressure, the Commission of Inquiry into the Disappearance of People in Uganda found that Idi Amin’s security forces were responsible for the disappearance of more than 300 Ugandans and thus the report was buried. It was not a good start to modern truth commissions, but it demonstrates the level of government trust required to make them work.

For such a complex process, it is difficult to disentangle the multiple values that truth and reconciliation commissions hold for its diverse participants: the nation-state, the victims, the perpetrators, and the families of both. In South Africa’s Promotion of National Unity and Reconciliation Act of 1995, it states several goals of its truth and reconciliation process:

- Creating a complete record of human rights violations and their causes
- Learning the fate and whereabouts of victims of violations
- Granting amnesty for those who provide full disclosure of acts
- Providing the opportunity for victims to tell of their violations
- Granting of reparations, rehabilitation, and respect for victims of violations
- Making recommendations on how to avoid human rights violations from happening again.

The International Centre for Transitional Justice (ICTJ) summarises these and others into three major goals:

1. the establishment and explanation of facts
2. the protection, recognition, and restoration of the rights of victims
3. positive social and political change

The values encapsulated in the truth and reconciliation commission are eloquently stated in the South Africa’s Act as:

a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu [human kindness] but not for victimization.
Thus, what truth and reconciliation commissions seek to undo is the deep-rooted human need for vengeance as a means to address past wrongs. Vengeance has been such a fundamental aspect of human behaviour that major civilisations often had a specific god or goddess devoted to it.

The Norse had Vidar; the Egyptians had Sekhmet; the Greeks had Nemesis; the Chinese had Chu Jung; the Yoruba had Ochosi.

It seems remarkable that truth would be seen as compensation for taking vengeance. In an ICTJ publication, a Nepali woman is quoted as saying:

| It’s okay if they give us truth now, then the other things will follow. The first thing is finding out. |

Perhaps, people accept truth as compensation because they recognise that the violence expressed through vengeance only results in more violence.

As a model, the design of the South African Truth and Reconciliation Commission had three parts: a committee focused on Human Rights Violations, one on Reparations and Rehabilitation, and the final one on Amnesty.

The Human Rights Violations committee aligned with the values of fact finding. Members of the African National Party, the National Party, the military, the media, and NGOs had to provide testimony across 11 languages on the violations of human rights in apartheid South Africa. To read the testimonies is both heartbreaking in terms of the loss and pain of the victims and infuriating in terms of denials by the perpetrators.

The Reparations and Rehabilitation committee embodied the protection, recognition and restoration of the rights of victims. Individual victims were offered interim (emergency) reparations, reparation grants, and symbolic reparations such as reburials and tombstones, the removal of criminal records, and the resolution of legal matters.

Community and national symbolic reparations consisted of memorials and monuments, the renaming of places, cleansing ceremonies, and creation of days of remembrance. Community rehabilitation was offered in the form of physical and mental health services, educational facilities and assistance, and housing.

The Amnesty committee acted as a mechanism for positive social and political change. In South Africa, it provided an incentive for perpetrators to tell the complete truth, yet punished those whose acts were not politically motivated or who failed to tell the complete truth. As of January 2000, the committee refused 5,392 and accepted 849 petitions for amnesty.

Crucial to the design of the process was its public nature via television and radio media. The committee meetings were broadcast live, on daily news reports, and given weekly summaries.

Newspaper reports such as the BBC’s, documentaries (see Long Day’s Journey into Night or Bill Moyer’s Facing the Truth), and ethnographic studies such as Annelies Verdoolaeghe’s have attempted to capture the experiences of truth and reconciliation commissions during its time.

The South African Broadcasting Company’s report on 15th year anniversary of the TRC captures South African’s experiences now. Yet the described experiences of the TRC have been mixed, even today. While it led to positive political change, both South African citizens and expert critics, such as Slavoj Žižek recognise its failure in achieving economic justice for all South Africans.

All Africa’s report on Mandela’s legacy highlights the cost of Mandela’s focus on economic stability during his tenure as President on South Africa’s continued economic inequality. The paper states:

| The Gini coefficient, a measure of income inequality, has risen to 0.63 in 2009 from 0.59 in 1993, making South Africa one of the world’s most unequal societies. |
And while the State no longer perpetuates violence in violation of human rights, violence and crime continues in South Africa, disproportionately affecting Black South Africans who make up 70% of the population.

Why does it seem that the design of non-violent social justice processes fails when it comes to creating economic justice? The United States, India and South Africa are places that have had successful civil rights movements and yet they are places with significant economic disparities between people.

The great socialist experiments in Russia and China achieved their wealth re-distributions through social upheaval and violence. Of course today, their income inequality coefficients are at similar levels to capitalist countries. I wonder if the wealth redistribution at the heart of economic justice is ever possible without violence.

While I hope societies will no longer need to design truth and reconciliation commissions, there still remains the challenge of designing ones where economic justice is also achieved. Imagine the possibilities if this could have been Nelson Mandela’s legacy to the world as well.