

Behind the Truth and Reconciliation Committee:

An Examination of Policy and Implication

First two Paragraphs of the Paper Followed by the Conclusion

Nelson Mandela became President of South Africa in 1994, and in July of the following year his parliament passed The Promotion of National Unity and Reconciliation Act, which provided for the establishment of the Truth and Reconciliation Commission (TRC). The Commission's mandate was to "investigate and document gross human rights violations committed within or outside South Africa in the period 1960-94" (Report, p.25) within a twenty-four month period. Additionally, in order to achieve the overall objectives of promoting national unity and reconciliation the Commission was required to make recommendations in several areas: to prevent future human rights violations; to restore human and civil dignity for victims through testimony; counsel the President concerning reparation; and grant amnesty to persons who made full disclosure of relevant facts relating to politically motivated acts (Report, p.57). To achieve these objectives, the Commission established three committees: the Human Rights Violation Committee (chaired by Arch Bishop Desmond Tutu), The Amnesty Committee (headed by Chris de Jager) and The Reparation and Rehabilitation Committee (chaired by Hlengiwe Mkhize). "The Commission established set up an elaborate organization... with a large number of employees who took more than twenty thousand statements from victims of political violence and [in the course] holding more than fifty public hearings" (Thompson 275). However, the Commission faced administrative, legal and moral challenges that hindered the application of amnesty, truth and justice (Report, p.117) as well as the promotion of responsibility and reconciliation (Report, p.131). For this reason the Commission did not fully realize its mandate.

Despite its comprehensive mandate and access to considerable human resources, the Commission faced numerous administrative challenges from its inception. The National Unity and Reconciliation Act did not provide specific guidelines or methodologies in determining and administering its mandate. As a result, the Commission's systems and administrative procedures constantly changed and adapted in response to shifting priorities, needs and challenges. Furthermore, there were communication problems within the Commission, particularly between investigators and researchers. Committee members reveal, "the pace was too quick ... to share information" (Shea 65). As well, management had difficulties exerting their authority, and some commissioners routinely exploited their power to evade the formal policy making process. The TRC also seemed to be overwhelmed by crisis after crisis, which challenged the policy-making process and long-term management of the commission's work. Furthermore, the "Commission operated under strained financial conditions virtually all the time" (Shea 67). Although, the TRC looked to foreign and domestic funding, interim fiscal constraints meant that functional capacity throughout the TRC was somewhat compromised. These administrative issues and inefficiencies also had broad implications for the Commission. It was unable to take advantage of South Africans' enthusiasm and good will in regard to their emerging nation. Constraints on the Commission's ability to fulfill its objectives was particularly evident in the Amnesty Committee, which was overwhelmed by the task of processing over 7,200 individual applications (Shea58). The vast majority of applications were not been subjected to an investigative process of any sort (Shea 59). "By the time the TRC went to press in 1998, the Amnesty Committee has granted only about 150 amnesties, and it still had another two thousand applications to deal with" (Thompson, p. 275).

CONCLUSION: The TRC was established to construct a truth for a nation had that been plagued with the violence, crime and instability of apartheid for over three decades. In attempting to redress

human rights violations and reconcile the emergent South Africa, the TRC faced considerable and significant challenges. Its Final Report, released in November 1998, exposed dishonesty, fabrication, and deceit within all South African communities, but circumstances within 20th century South African were such the ANC was unable to realize recommendations for policy addressing these problems. Although the TRC's goal to unify and rehabilitate South Africa were only partially fulfilled. (Wilson p. 227) it laid a rudimentary foundation for human rights in a peaceful 'rainbow nation' (Wilson 223). The Commission did aspects of its mandate; most significantly "it has forced a previously reluctant population to see that apartheid was morally indefensible and that it is a crime against humanity" (Christie 176). Nonetheless, it provided a platform for truth from a variety of perspectives and forge an identity for a nation that was struggling to amend the past.

However, in addition to time, political and administrative constraints, the TRC was challenged by the reality of South Africa as one of the most heterogeneous and ethnically diverse societies in the world. (Christie, p.95). The commonalities between its peoples were fragile. Depending on ethnicity and experience, South Africa after apartheid could be viewed as "both a developed and developing nation" (Beck, 205) Therefore, "The work of the truth commission in South Africa is still an unfolding process and the consequences of its operation, actions and results may continue to work themselves out in South Africa for decades to come as democracy and its implications unfold." (Christie, 94)