South African Truth and Reconciliation Commission, Its Instruments, and The IR Approach Thus Far

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ABSTRACT


It starts with Wallace (1986: 201-21) who argued that:

‘The study of international relations is not an innocent profession’. Cable, (1985: 305) is quite clear that International Relations is unlike the classics, or mathematics, but more of an abstract logical training for the youthful mind and further echoes the argument that: ‘The forever explosive relationship between social science and public policy’ has been embedded in the discipline of International Relations from the outset, (Dahrendorf: 1980).

The webpage International RelationsEDU (2016) offers its own definition as:

The study and practice of international relations is interdisciplinary in nature, blending the fields of economics, history, and political science to examine topics such as human rights, global poverty, the environment, economics, globalization, security, global ethics, and the political environment.

Cristol (2001), however, argued that International relations theory is difficult to define and even the theorist contest available definitions.

The paper proceeds to discuss the South African Truth and Reconciliation Commission because these types of Commissions have emerged as an international norm. They are assumed to be an essential element of national reconciliation, democratization, and post-conflict development, (MacKenzie; 2012). Hirsch (2014) argued that in the debates that followed the South African Truth and Reconciliation Commission, truth and reconciliation commissions shifted from being seen as a political compromise to being regarded as a ‘holistic’ tool for social and political reconstruction and came to be associated with multiple democratizing effects. Truth and reconciliation commissions also shifted from being the ‘weaker alternative’ to trials to a practice that is morally equal and complementary to the judicial option. Taken as a whole, these changes in the expected utility, morality, and specification of truth and reconciliation commissions facilitated their emergence and consequent institutionalization as an international norm.

It is within this norm that the doctoral thesis, ‘Speaking Truth to Power and the Work of Albie Sachs,’ (Ojedokun 2006: 52) attempts to contextualise the setting up of the South African Truth and Reconciliation Commission by stating that:

There is evidence to support the argument that the Truth and Reconciliation Commission was (i) implemented by a government committed to human rights and a party, the ANC, who established four commissions in 1984, 1989, 1992 and 1993 to investigate allegations of its own internal abuses; (ii) had broad investigative powers, including subpoena power; (iii) was mandated by statute to deal with an inclusive range of human rights abuses and to name names of perpetrators; (iv) conducted public hearings; (v) had a long two-year life span, ending in December 1997.

According to the first volume of the TRC Report, the first call for its creation came from Kader (1992) when he was installed Professor of Human Rights Law at the University of the Western Cape on 25 May 1992 saying:

We must take the past seriously as it holds the key to the future. The issues of structural violence, of unjust and inequitable economic social arrangements, of balanced development in the...
future cannot be properly dealt with unless there is a conscious understanding of the past, Truth and Reconciliation Commission of South Africa (1998:1:50).

It was from this that the ANC set up its own internal commissions of enquiry, the Stuart, Skweyiya and Motsuenyane Commissions. The Reports of the Commissions confirmed that gross human rights violations had taken place in ANC camps. This eventually led to the establishment of the TRC, Truth and Reconciliation Commission of South Africa (1998:1:50)

The Truth and Reconciliation Commission (TRC) was established after South Africa’s transition to a non-racial democracy by a bill introduced in parliament in 1994, Mandela (1994). Its primary purpose was to investigate acts of violence and discrimination committed by the apartheid regime. It also hoped to obtain as complete a record as possible of abuses inflicted by individuals and organisations during the apartheid era, including abuses by exiles groups like the ANC and the Pan-Africanist Congress. It hoped that these would foster a climate of reconciliation and that those who confessed to human rights violations could apply for amnesty; Following a period of ‘truth recovery’, the TRC, in October 1998 presented its final Report to President Mandela.

The historical context of the establishment of the TRC is located within the State of The Nation Address by The President of South Africa, Mandela (1994) to the Houses of Parliament, Cape Town, 24 May 1994, Promotion of National Unity and Reconciliation Bill (1995):

The nation must come to terms with its past in a spirit of openness and forgiveness and proceed to build the future on the basis of repairing and healing. The burden of the past lies heavily on all of us, including those responsible for inflicting injury and those who suffered. Following the letter and spirit of the Constitution, we will prepare the legislation which will seek to free the wrongdoers from fear of retribution and blackmail, while acknowledging the injury of those who have been harmed so that the individual wrongs, injuries, fears and hopes affecting individuals are identified and attended to. In the meantime, summoning the full authority of the position we represent, we call on all concerned not to take any step that might, in any way, impede or compromise the processes of reconciliation, which the impending legislation will address, Mandela (1994).

The Minister of Justice, at the time, provided further insight in his paper on the creation of the TRC. He identified the final clause of the Interim Constitution which sees itself as providing a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold sufferings and injustice, and a future rounded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex, Omar (1997).

(Gibson and Gouw, 1999: 501-16) also described the creation of the Commission as an effort to for South Africa to put its past firmly behind. They state that it was based on a number of presuppositions about political psychology. The foremost and most obvious is the assumption that knowledge promotes forgiveness that reconciliation flows from truth.

Through the end of 1998, the TRC received roughly 15,000 statements from victims and approximately 7,000 applications for amnesty. As of December 9, 1998, the TRC had granted 216 amnesties and rejected 160 applications because they denied their guilt, Gibson and Gouw (1999).

Through interviews, with Albie Sachs and others on the TRC, a penetration of the thoughts and objectives of those inhabiting the power structures behind it and truth was attempted. South Africa was faced with the use of a legal framework for what was essentially a spiritual/psychological process, Storey (1994). There is an argument to be made here that a conversation of truth to power and of truth with power occurred here and there appeared to be an imposition of some values from Archbishop Desmond Tutu and Albie Sachs in the setting up of the Truth and Reconciliation Commission, (Du Boulay, 1988:174/5).

This led into an observation that the whole process of setting up and running the Commission was almost an effort at the imposition of Christian values, Ojedokun (2006). If this is the case then we should enquire by what means exactly did the Commission hope to verify, without powers and processes of the law courts, that all truth had indeed been confessed? Sachs (2003) appears to answer this by arguing that he felt that the process of the Truth Commission was capable and did get out at least more truth.

This paper reiterated a passage from an interview with Sachs (2003) that the measurement of truth getting is a near impossible task. It appears to be not more than a perception, whatever survey was undertaken is not very clear. At the same time nothing that is scientific actually supports or disproves Albie Sachs’ perception. There is doubt whether this can be since it is argued that ‘truth claims’ in themselves do not flourish in a climate of genuine knowledge, but in a climate of power, (Havel, Vaclav, 1985:249-71). This is also because of the problematic that we are not dealing in a world of unassailable facts, but with provisional accounts. (Eldridge, 1993: 5)

In other to expose some of the thoughts of the Truth Reconciliation Commission reference is made to some of the views of its members. Gbodo-Madikizela (1996), who was a member of the Truth and Reconciliation Commission’s Human Rights Violation Committee, asked: Why is it necessary to lift the veil from our past? Why not simply erase the page and start all over again?

She attempted to answer the question by saying:

The Truth and Reconciliation Commission is enjoined by the Promotion of National Unity and Reconciliation Act to ensure the restoration of dignity to people who have suffered pain and loss through atrocities of the past.

She goes on to add that The Truth and Reconciliation Commission starts with the assumption that the truth will heal and rebuild a shattered past.
The assumption of course draws heavily from Christian principles based on St. John's Gospel (2001) in the Bible, which states: 'Ye shall know the truth and the truth shall set you free' and the 1st Book of St John's Chapter 1 verse 8:

If we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, He is faithful and just to forgive us our sins and to cleanse us from all unrighteousness.

Asmal (1994), a member of the TRC argued that: We sacrifice justice for truth so as to consolidate democracy, to close the Chapter of the past and to avoid confrontation', (Storey, 1994:1382-3).

Power and the Establishment of the Truth and Reconciliation Commission

We proceed to re-open the problematic surrounding the purpose of power's establishment of the Commission. Was it an attempt in fact to avoid confrontation with the 'truth' of the South African situation and in doing so to exercise a degree of manipulation in managing the process of reconciliation? The implication of this brings in the argument that there was the subtle exercise of power behind the backs of the people that are governed. (Mills, Wright:1963) Also this brings in Foucault's argument that power determines truth, that power is most effective when it is concealed. (Sheridan,1980:113)

Ojedokun (2006) explores the points of divergence between Foucault, Marx and others in his claim about power and its alleged effaciousness in bringing about 'knowledge' even within the realms of International relations. That in turn 'knowledge' itself bringing about further power relations; and so on in a spiral of successive connections. While Foucault (1988) denies that 'power is knowledge' he never makes fully clear what connection there might be between power and 'knowledge'; but he assumes that there must be one and never conceives there might be none. It also states that Foucault (1988) has many perorations about the nature of power. Since he conceives it broadly as the effect that the actions of one person can have on the actions of another (either opening them up or closing them down but not completely), then power is simply everywhere, as Foucault (1988) noticed. That power is also linked to a whole host of other items such as truth, discourses of power, or simply discourses.

Ojedokun (2006) refers to an in-depth and exhaustive study of Foucault (1998:31-3) and traced his re-visitation of the major theoretical trend in his writings on Truth and Power.

There are also references to 'Truth and Power' and an excerpted version of an interview with Fontana and Pasquino(1980) that initially appeared as 'Intervista a Michel Foucault' in Microfiseca del Poetere in 1977, where he recalled:

The interviewers first ask Foucault to revisit some of his earlier ideas and trace the path of his career. Foucault began looking at asylums, and tried to create his theories with an eye toward French politics of the Left. He soon turned to evaluating other sciences such as biology, political economy, and medicine, and came up with the concept of discontinuity: "It seemed to me that ... the rhythm of transformation doesn't follow the smooth, continuist schemas of development which are normally accepted." The idea of discontinuity became a tag which other critics and thinkers applied to him, much to his dismay. Foucault wanted only to show the susceptibility of the sciences and scientific statements to the pressures of power: At this level it's not so much a matter of knowing what external power imposes itself on science, as of what effects of power circulate among scientific statements, what constitutes, as it were, their internal regime of power, and how and why at certain moments that regime undergoes a global modification.

The idea he argues echoes Kuhn's (1996) ideas about paradigm shifts in a science, and even reverberates back to Dryden's statements about every age's "universal genius". Dryden (1996) stated that in every generation there is a general inclination of thought that affects all disciplines. Kuhn (1996) advanced the idea that major revolutions in science are due to major paradigm shifts.

The paper also referred to the tracing of the discussion to its movement into structuralism, where he shows Foucault made some major statements about the structure of history. He claimed that structures, formed by the rulers of society, have led to the devaluation of the "event" in their rage to order the general tide of history: Structuralist historians ignore abberant events that do not fit into those beautiful structures that are so orderly, intelligible and transparent to analysis.

Foucault (1980:11/12) says that the study of history has been based on a model of language that focuses on meaning. He recommends a different way of evaluating eccentric historical events, rather than writing them off as simply trivial as structuralist historians have attempted. Shumway (1989:160) clarifies further stating:

Here I believe one's point of reference should not be to the great model of language (langue) and signs, but to that of war and battle. The history which bears and determines us has the form of a war rather than that of a language: relations of power, not relations of meaning.

The paper observes that every action and every historical event is seen by Foucault (1980) as an exercise in the exchange of power. Society is a huge web, and much of the power tends to be concentrated toward the higher echelons. That Foucault (1980) sees the exchange of power in very active terms: "isn't power simply a form of warlike domination?" Power flows simultaneously in different directions and different volumes according to the various forms of 'power relations'in the 'network'of power exchange.

Also that Foucault presents a discussion of the intellectual, who he says has gravitated from a 'universal'intellectual to a 'specific' intellectual. (Foucault, 1980) Foucault sees scientists and scholars who remain cloistered in their field as specific intellectuals, and cites the writers of old as the universal intellectuals:

The intellectual par excellence used to be the writer: as a universal consciousness, a free subject, he was
counterposed to the service of the State or Capital – technicians, magistrates, teachers.

He argued further that even writers have been co-opted in modern society by the structure of the ‘regime’, the group that rules the society, including government and business. Society now looks to the University for its knowledge because of the intersection of multiple fields of study. This has incorporated even written expression into the structure of society and led to the devaluation of the ‘writer of genius’ and the elevation of the ‘absolute savant’. The absolute savant, ‘along with a handful of others, has at his disposal, whether in the service of the State or against it, powers which can either benefit or irrevocably destroy life.’ Writers who are sanctioned by a powerful structure now affect reality rather than simply tromping around in ideological terrain. It would seem that an intellectual could not be effective without the support of some structure, but Foucault (1980:133) makes an argument for individual efficacy. The structure is successful because it creates truth, and it is in this recognition that individuals can succeed.

The paper seeks to advance the position is that each society creates a ‘regime of truth’ according to its beliefs, values, and more. South Africa through the creation of the Truth Commission can be seen as an attempt to do precisely that. It reiterates Foucault’s (1980) identification of the following: the creation of truth in contemporary western society with five traits: the centre of truth on scientific discourse, accountability of truth to economic and political forces, the diffusion and consumption of truth via societal apparatuses, the control of the distribution of truth by political and economic apparatuses, and the fact that it is ‘the issue of a whole political debate and social confrontation.’

Justification for The Creation of The Commission

Hamber (1988) develops his own argument by justifying the Truth Commission’s establishment as a necessity for ensuring peace and argues that it would have been logistically impossible to guarantee convictions due to what he describes as the inefficiency of the judicial system, which Sachs (2003) echoed this in his interview.

What drew some interest towards his argument is that the Commission was necessary for peace. Where then does he place ‘truth’ recovery, (Foucault, 1980)? His argument seems to reinforce a middle ground and does he place ‘truth’ recovery, (Foucault, 1980)? His agreement seems to reinforce a middle ground and does he place ‘truth’ recovery, (Foucault, 1980)? His argument appears to fit into the model of the South African Truth and Reconciliation Commission, both in terms of the newly-liberated individual-freed of the desire for vengeance – and the newly re-described society of South Africa.

This paper argues that Rorty (1989) is right in the sense that he co-inhabits the sphere of Sachs (2003), who made himself reconcile with his past, and effectively, the ‘Henry Story’ in which he met his confessed attacker being its motif. Sachs (2003) echoed this in his interview.

It appears part of Sach’s (2003) reconciliation was his agreement that the central tension was between the politics of compromise and the radical notion of justice. His tension has been expressed in different ways by different analysts of the process from authoritarian rule in Latin America and Eastern Europe to a democratic form of government and is a genuinely universal issue. Garret (2004), from Chile, sees it as “ethical logic” vs political state logic, (Boraine, 2004) Jelin (2004), drawing on Greek tragedy, sees the tension as the “logic of mourning/remembrance” vs “political logic”.

We are able to draw from countries outside South Africa upon political scientists, such as O’Donnel (2004) who state the dilemma somewhat more pragmatically. For them it is the need for democratic or stable democratisation as against the notion of justice, equality and restitution. Finally expressed in the words of Desmond Tutu, his quote attempts to encapsulate the far reaching effect of the Truth and Reconciliation Commission process on International Relations underscoring the ‘The forever explosive relationship between social science and public policy.’ He says: Without forgiveness there can be no future for a relationship between individuals or within and between nations, (Tutu, 2013).

REFERENCES

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