

COMPARING APPROACHES TO RECONCILIATION IN SOUTH AFRICA AND RWANDA

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Introduction

Between 1948 and 1994, South Africa lived under the shadow of apartheid,¹ a system that infiltrated every aspect of society with its divisions, inequality and injustices. In April 1994, after years of negotiations, the African National Congress (ANC), which had been the official party of the struggle movement, came into power as a result of South Africa's first democratic election. During that same month, Rwanda, after decades of dictatorial rule, was swept by a

genocide² that left almost a million dead and almost twice as many displaced. By July 1994, the Rwandan Patriotic Front (RPF) had brought the genocide to an end and implemented

Above: After years of negotiations, the African National Congress came into power following South Africa's first democratic election. Nelson Mandela (seated) is signing the oath of office, as he assumes the Presidency of South Africa (10 May 1994).



The skulls and bones of Rwandan victims rest on shelves at a genocide memorial inside the church at Ntarama, outside Kigali. Approximately 5 000 people, mostly women and children, sought refuge near the church in April 1994, but were massacred by Hutu extremists who used grenades, clubs and machetes to kill their victims.

a transitional government. For both countries, 1994 signified the beginnings of the arduous task of post-conflict reconstruction. The approaches each country has taken to reconcile broken and divided societies forms the focus of this article.

Comparing two countries with distinctly different tragedies and unique approaches to reconciliation is a risky endeavour. However, this article will not attempt to recommend the approach of one country to be adopted by another. Rather, it will argue that in each unique context and time period, different approaches to reconciliation may be relevant and justified. Using John Lederach's³ model of reconciliation, the approaches to reconciliation adopted by South Africa and Rwanda will be described and compared.

Reconciliation

A minimalist definition offered by Louis Kriesberg states that "reconciliation refers to the process by which parties that have experienced an oppressive relationship or a destructive conflict with each other move to attain or to restore a relationship that they believe to be minimally acceptable".⁴ Kriesberg is writing in the context of preventing further violence, but a devastated society that is founded

on interdependent networks of relationships may require more than "minimally acceptable" relationships to function effectively and avoid a reoccurrence of violence.

A wider conception of reconciliation is offered by Lederach, who suggests that reconciliation is the rebuilding of relationships. He rightly states that people may be living as neighbours and yet are locked into long-standing cycles of hostile interaction, animosity, fear and stereotyping. "Reconciliation is not pursued by seeking innovative ways to disengage or minimize the conflicting groups' affiliations, but instead is built on mechanisms that engage the sides of a conflict with each other as humans-in-relationship."⁵

Lederach has a four-part model of reconciliation, which includes peace, truth, justice and mercy. He argues that these elements, although seemingly contradictory, cannot operate independently from one another. Truth without justice would be an offence to the victims. Justice without truth might result in historical revisionism, which would open the way for new conflicts. Mercy, which is sometimes translated as forgiveness, would be meaningless without acknowledging truth and justice, resulting in impunity for perpetrators. And peace is an essential ingredient for the other elements to become a reality. In the Rwandan context,



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there has been a great emphasis on justice due to the fear that perpetrators would be released with impunity, as has often been the case in Rwanda's history. However, opponents of the government would say that although there is justice, truth has been compromised, and this is indeed resulting in revisionism and a less than complete justice, with only one group of perpetrators being targeted. In South Africa, it has perhaps been the opposite. There has been an emphasis on truth, through the Truth and Reconciliation Commission (TRC), with amnesty – which perhaps falls under mercy in Lederach's model – but some would argue there has been very little justice.

South Africa's TRC

During South Africa's apartheid era, 18 000 people were killed and 80 000 opponents of apartheid detained, with 6 000 of these being tortured.⁶ Structural violence was present in every area of society, with policies and laws that led to the systematic dehumanising of millions of people on the basis of their race. The TRC was established to investigate human rights abuses committed between 1960 and 1994, and to offer amnesty to individuals in exchange for their full disclosure about their past acts. According to Lynn

Graybill, "its mandate was to give as complete a picture as possible of the violations that took place during the period, focusing on gross human rights violations defined as 'killing, abduction, torture, or severe ill treatment'.⁷ Some 7 000 people applied for amnesty, and it was granted to about 16% of applicants. Only around 10% of the 20 000 people wanting to testify at the TRC were heard.⁸ But the TRC hearings were not intended as a means of trying everyone involved in apartheid, but rather as an opportunity for all South Africans to hear the complexity of the stories of what happened. Preference was given to those whose stories included particular trauma or those whose stories had never been heard.

The TRC proceedings culminated in a five-hundred page volume that describes thousands of stories. In the introduction of the report, the slippery issue of truth and history is discussed at some length. The TRC's approach was to adopt four understandings of truth: factual or forensic truth, personal or narrative truth, social or 'dialogue' truth, and healing or restorative truth. But the report has been criticised for not being able to resolve the discrepancies between the forensic data and the many contradicting narratives of people. In response to



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this, Charles Villa-Vicencio suggests that stories which emerge in testimony are incomplete, in the same way that one's memory is. He poetically calls for a listening to the incompleteness, the silences, the body language and the complexity of emotions that accompany telling narratives of the past. The important issue is not that one complete, coherent truth is told, but that new insight is gained into what happened, along with "an empathetic understanding of how a particular event is viewed by ones adversaries".⁹ The crux is not getting to the truth, but having people on opposing sides beginning to see each others' truths with empathy and understanding, which will allow for healing to begin to take place. This does not mean that what happened does not matter. Villa-Vicencio stresses that violations of human rights on all sides must be investigated and acknowledged to create a culture of human rights in the present.

Creating a culture of human rights was a driving force behind choosing amnesty as the route to transitional justice. Another reason was the fact that those who might have been regarded as perpetrators also held essential positions in maintaining the country's economy. Further, as Desmond Tutu describes in his book, *No Future without Forgiveness*, a retributive response may have resulted in renewed

violence¹⁰. But more than this, Tutu describes how the desire to live out the precepts of the Constitution and have the reconciliation process be a shared one between all South Africans was fundamental in deciding on a truth-telling with amnesty route.

Leaders such as Nelson Mandela and Desmond Tutu wanted to build a country on the principles of forgiveness and reconciliation, among others. Forgiveness played a central role in the TRC proceedings, drawing its meaning both from Christianity – which is practised by the majority of South Africans – as well as from the African concept of *ubuntu*. Graybill writes that in South Africa's Interim Constitution was written: "There is a need for understanding but not for revenge, a need for reparation but not for retaliation, a need for *ubuntu* but not for victimization'. *Ubuntu* derives from the Zulu expression 'umuntu ngumuntu ngabantu' (people are people through other people)." She quotes an example of a testimony at a TRC hearing that embodies this concept:

One of those supporting amnesty was Cynthia Ngeweu, mother of Christopher Piet (one of the Gugulethu 7 who was assassinated¹¹), who explained her understanding of *ubuntu*: 'This thing called reconciliation... if I am understanding it correctly... if it means the perpetrator,



Winnie Madikizela-Mandela (right) kisses Joyce Seipei, mother of murdered African National Congress activist Stompie Seipei, in a gesture of reconciliation at the special public hearing of South Africa's TRC. Witnesses accused Winnie Mandela of the murder of Stompie Seipei, a 14 year old activist who died in 1989.

the man who has killed Christopher Piet, if it means he becomes human again, this man. So that I, so that all of us, get our humanity back... then I agree, then I support it all'.¹²

This was at the heart of the TRC: a rehumanisation of both perpetrators and victims, so that South Africans could begin to engage each other as human beings in relationships, in the way that Lederach described.

This kind of philosophy led to very moving encounters during the TRC procedures but, since then, there have been some very critical voices about the amnesty process. Hamber et al undertook a study with 20 women who survived political violence during apartheid and testified at the TRC.¹³ Their study reveals that these women had thought they were testifying for the perpetrators to receive punishment, and they were very angry that their perpetrators went away unpunished. Hamber et al write that although the TRC may have had a role to play in the national process of healing, and that telling their stories may have been cathartic for some, others felt like pawns in the national healing process, where their suffering was used to help the nation but they themselves benefited from it very little. In South Africa today,

there is a growing frustration and anger among young South Africans that their leaders conceded too much and that whites continue to benefit from the apartheid system, while blacks continue to suffer in poverty and unemployment.

This makes it very difficult to assess whether the TRC was successful in contributing to reconciliation, and whether the reconciliation process in South Africa is unfolding in a positive direction. Its strong emphasis on mercy and forgiveness was very moving and beautiful – but does it satisfy young, poor, powerless and angry people in terms of justice? The following section will compare this to the route Rwanda has taken.

Rwanda

In 1994, almost a million Tutsi and moderate Hutu were killed in Rwanda during the three-month government-led genocide. Prior to this, there had been repeated events in Rwandan history where thousands of Rwandans were killed in violence between the Hutu and Tutsi ethnic groups. After 1994, some two million mostly Hutu refugees died in the Democratic Republic of the Congo (DRC).¹⁴ Because of the extent of the violence and horror that occurred in Rwanda,

it is a difficult context to compare with any other, and one could argue that the Rwandan response to transitional justice should be unique.

The genocide in 1994 ended when a military group (the RPF) of mostly Tutsi exiles overthrew the Rwandan government and took power in the country. But by this time, the country had been stripped of all resources, the government coffers were empty and almost every Rwandan was either internally displaced or had fled the country. There was no judicial system left in place and the RPF had to rebuild the country from scratch, while hundreds of thousands of people accused of genocide crowded inadequate jails. In response to this, the government turned to its traditional justice system of *gacaca*, which involved holding court cases within local communities, outside on the grass, with respected community leaders acting as judges. Through this process, thousands of court cases could be held across the country simultaneously, and members of the community were directly involved in resolving the cases.

Although it has been described as a restorative approach to justice, closer scrutiny shows that it leans more towards the retributive. The traditional form of *gacaca* was restorative, but the modern form had to fulfil so many legal pressures from the international community, as well as pressures for justice from survivors of the genocide, that it differs substantially from its original form. In the *gacaca* process adopted in Rwanda today, the whole community is involved, as in a restorative approach, but offenders stand alone before their accusers. If the community decides they are guilty, they have no lawyer (as in a Western model) or family members (as in a traditional model) to stand up in their defence. Further, their guilt and punishment are decided on by the judges, rather than the community collectively. So, rather than it being a negotiated process between an offender and their family and a victim and their family, in this case it is a legal process where an individual takes individual responsibility, with the input of the community in terms of clarifying what actually happened.

A fully restorative justice process may be argued to have taken too long, and would be difficult to monitor. How would one ensure that victims and their families did not mete out revenge on offenders, who often had no family to stand with them, their families being either dead or refugees in the DRC? Thus, the current *gacaca* system – where communities are involved but certain standard Western legal system practices are incorporated – seems to be the best alternative.

Punishment for perpetrators has been a combination of jail time – which most have completed by the time they get to a *gacaca* trial, having often been in jail without trial for 10 or more years – and community service, such as fixing roads or repairing victims' homes and property. Unlike in South Africa, Rwanda did not focus symbolically on a sample of cases, and it is historically unique for having tried every individual perpetrator – which totalled over a million people.¹⁵ A significant reason why Rwanda chose



A Rwandan genocide suspect testifies in front of a traditional *gacaca* court in Kigali, Rwanda (July 2005).

this strong emphasis on justice and accountability is that, historically, the country has been known for having a 'culture of impunity'. In previous incidences of violence, there had never been individual accountability for what was done, and thus perpetrators began to believe that if they were involved in political violence, they could get away with anything. With a collective restorative justice model, individual perpetrators would not need to take personal responsibility for their actions.¹⁶ Graybill describes how the Rwandan government was sceptical of South Africa's TRC with its system of amnesty, because of this history of impunity. Further, it was feared that survivors would take justice into their own hands. There needed to be an immediate and tangible sense that justice had taken place and that perpetrators were punished, so that Rwandan society could move on.

Although many people interviewed¹⁷ felt strongly that *gacaca* had contributed to justice, they were less certain as to whether it had contributed to reconciliation.



Some of the over 3 000 genocide suspects detained at Myove prison are invited to confess their role in the 1994 killings to receive reduced sentences, in Byumba village, Rwanda (February 2005).

Many Rwandans had hoped that the truth-telling of *gacaca* would lead to an expression of remorse on the part of perpetrators, and responses of forgiveness on the part of victims. In fact, perpetrators received reduced punishment if they admitted their offences and expressed remorse for them. But this led many victims to feel that the remorse was not genuine. *Gacaca* trials would also, in some instances, revive memories of what happened, retraumatise victims and bring about renewed anger. There are a few isolated instances of healing encounters between victims and perpetrators at *gacaca* trials, but mostly they functioned to satisfy the needs of victims that perpetrators were punished, and allowed the truth of what happened in specific communities to be revealed. Most meaningfully, many victims expressed great relief in knowing where family members had been killed, so that they could bury them in a dignified way.

Gacaca does seem to have contributed to the elements of justice and truth in a reconciliation process, and some healing and perhaps a degree of closure has been possible. However, the major critique in the Rwandan context is that justice and truth processes have focused on only one side of the conflict. Only crimes of genocide were taken into

consideration. The RPF, in its military war with the previous Rwandan army, has been accused of war crimes and crimes against humanity in Rwanda between 1990 and 1996. Further, it has been accused of crimes against humanity against Rwandan refugees in the DRC. These crimes have not been addressed by *gacaca* or publically at all. Graybill argues that “whereas the South African TRC required all perpetrators of human rights abuses on both sides – the government and the resistance movements – to apply for amnesty, the *gacaca* system only judges the perpetrators of the genocide”.¹⁸ The Rwandan government has said that cases which involve RPF soldiers who committed crimes need to be taken to the military jurisdiction, a legal process separate from genocide crimes. Yet the military judicial system can be viewed as being intimidating or inaccessible to most Rwandans. This means that although the *gacaca* trials are coming to an end and have addressed the crimes of genocide, some Rwandans continue to feel that their wounds have not been acknowledged, and that they do not have justice.

In this context, the themes of mercy and peace are difficult ones. Where the TRC in South Africa embraced moving and beautiful themes of forgiveness and *ubuntu*, Rwandans have been far more pragmatic. The danger is that

a process of justice and truth-telling that is only one-sided has the possibility of leading to renewed violence. Mahmood Mamdani has traced the line of victim–perpetrator dynamics through Rwandan history and shows how, in every period of history, either Hutu or Tutsi has been in the position of victim or perpetrator. He writes: “Every round of perpetrators has justified the use of violence as the only effective guarantee against being victimised yet again. For the unreconciled victim of yesterday’s violence, the struggle continues. The continuing tragedy of Rwanda is that each round of violence gives yet another set of victims-turned-perpetrators.”¹⁹ And yet the truth is that both sides have been both victims and perpetrators. Until this is acknowledged, those who are now seen as perpetrators will begin to see themselves as the victims, and the cycle could begin all over again.

Conclusion

This article has considered reconciliation processes in South Africa and Rwanda. Using Lederach’s four-part model of reconciliation, it has argued that South Africa emphasised truth and mercy at the expense of justice, whereas Rwanda emphasised justice at the expense of mercy. Although Lederach suggests that all four elements of the model need to be in balance to ensure a successful reconciliation process, particular contexts may require an emphasis on one aspect over the others. Further, different elements of the model may come into effect at different times in the reconciliation process.

In the case of South Africa, politically and for the sake of avoiding direct violence, an emphasis on justice and the individual accountability of all perpetrators was not possible. In Rwanda, individual justice was difficult to avoid when victims were hungry for revenge and impunity was such a pervasive element of Rwandan society. But both societies may have to pay the cost of their sacrifices later on in the reconciliation process. In South Africa, signs are increasingly evident that those who were disadvantaged by apartheid and continue to suffer in poverty want white South Africans who benefited from apartheid to take responsibility for what happened and pay reparations. In Rwanda, some have argued that *gacaca* has felt like victors’ justice, and that perpetrators who have been punished but have been shown little mercy may seek vengeance.

Yet, in both cases, one might argue that the best route possible was taken under the circumstances, and that both countries have managed to avoid a return to violence since 1994. Although neither country can boast a completely successful reconciliation process, both have moved significantly in a more positive direction than that from which they came. Neither country has chosen to forget the past, but both, through very different approaches, have managed to engage meaningful processes of reconciliation. Although both have and will continue to pay for the elements of Lederach’s model that they have neglected, they are also committed to the continued processes of reconciliation necessary to heal the wounds of their divided nations. ♣

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Endnotes

- 1 Apartheid was a system of racial segregation enforced by the National Party government of South Africa between 1948 and 1994, under which the rights of the majority ‘non-white’ inhabitants of South Africa were curtailed, and white supremacy and minority rule was maintained.
- 2 The Rwandan genocide was the 1994 mass murder of approximately 800 000 Tutsi and moderate Hutu in a period of three months, at the hands of the extremist Hutu government, military and youth militia.
- 3 Lederach, John (1997) *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington DC: United States Institute of Peace.
- 4 Kriesberg, Louis (2001) Changing Forms of Coexistence. In Abu-Nimer, Mohammed (ed.) *Reconciliation, Justice, and Coexistence: Theory and Practice*. Lanham, Md: Lexington Books.
- 5 Lederach, John (1997), op. cit.
- 6 Graybill, Lynn (2004) Pardon, Punishment, and Amnesia: Three African Post-conflict Methods. *Third World Quarterly*, 25 (6), p. 1116.
- 7 Ibid.
- 8 Wilmot, James and Van der Vijver, Linda (eds) (2001) *After the TRC: Reflections on Truth and Reconciliation in South Africa*. Cape Town: David Philip Publishers.
- 9 Villa-Vicencio, Charles (1997) Telling One Another Stories: Toward a Theology of Reconciliation. In Wells, Harold and Baum, Gregory (eds) *The Reconciliation of Peoples: Challenge to the Churches*. New York: Orbis Books.
- 10 Tutu, Desmond (2000) *No Future without Forgiveness*. New York: Random House, p. 23.
- 11 The Gugulethu Seven is the name of the group of seven young anti-apartheid activists who were killed in an ambush in 1986 by the South African apartheid security forces in Gugulethu, a township outside of Cape Town.
- 12 Graybill, Lynn (2004), op. cit., p. 1116.
- 13 Hamber, Brandon, Nageng, Dineo and O’Malley, Gabriel (2000) Telling it Like it is...: Understanding the Truth and Reconciliation Commission from the Perspective of Survivors. *Psychology in Society*, 26, pp. 18–42.
- 14 Prunier, Gerard (1995) *The Rwanda Crisis: History of a Genocide*. London: C. Hurst and Co..
- 15 Karugarama, Tharcisse (2011) *Ensuring Accountability of Suspects in Southern Africa – a Perspective from Rwanda*. Address of the Rwandan Minister of Justice at the conference on Closing the Impunity Gap: Southern Africa’s Role in Ensuring Justice for the 1994 Genocide in Rwanda, hosted by REDRESS, the South African Litigation Centre and African Rights, held in Johannesburg on 30 June 2011.
- 16 Drumbl, Mark (2002) Restorative Justice and Collective Responsibility: Lessons for and from the Rwandan Genocide. *Contemporary Justice Review*, 5 (1), pp. 5–22.
- 17 Interviews were conducted by the author as part of her doctoral research in Kigali, Rwanda, between 2005 and 2010.
- 18 Graybill, Lynn (2004), op. cit., p. 1119.
- 19 Mamdani, Mahmood (2001) *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton: Princeton University Press, p. 268.