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Transitional justice and conflict transformation: a tenable nexus? the case of South Africa's Truth and Reconciliation Commission

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Declaration

I declare that this thesis is my own, unaided work. It is being submitted for the Degree of Doctor of Philosophy in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

_____

(Signature of candidate)

_____day of _____20_____

Abstract

The South African Truth and Reconciliation Commission (TRC) has been widely hailed as unprecedented and exemplary. It has motivated efforts to establish truth commissions in various other parts of the world. Inherent in the normative treatment of the South African TRC as a paradigm to be followed, is the assumed correlation between its objectives and those of conflict transformation. This assumption, while prominent in a number of contexts especially outside South Africa, has often passed with little interrogation. The primary aim of this study is to assess the assumed correlation by formulating the South African TRC within conflict transformation theory. A secondary goal which should be seen in context of the study's primary objective is to assess whether the South African TRC constitutes a paradigm to be followed by other relevant contexts.

The research philosophy and methodology deemed appropriate for the study is the reflective mode of inquiry which is once in a while supplemented by primary data. The aim is to delineate the instrumental and practical value of those constructs that treat the South African TRC as a transformative framework. Eventually the study substantiates these assertions and makes analytical judgments on the relationship between the TRC and conflict transformation.

The broad conclusion of the study is that the biggest role played by the South African TRC was to engage the society in discourse with its past. It symbolically underscored the need to build right relationships and social structures that promote peace and the rule of law. The study, however, argues that the exercise of engaging in constructive relational and structural change needed to transcend symbolism and address the underlying structures and human relationships at various levels, politically, socially and economically. Other than making recommendations, the long term relational and structural transformation was well beyond the TRC's mandate. On the tendency of other countries to treat the South African TRC as the standard practice and paradigm to be borrowed, the study maintains that the TRC may have been unique and anomalous with its provision for conditional amnesty and public hearings, but it sometimes inappropriately skews the views of many in other distinctively different contexts, in a way that needs to be reconsidered.

Dedication

Once more

To ALL who believe in beauty of their Dreams

Acknowledgements

This thesis remains in place as a testament of a humbling exertion. To say it fried my nerves and dried my energy bank, would be modest. The journey reaches its' Zenith and I look back with unmingled pleasure to sweet memories of toils now past. I thank those mentioned below for their indulgence, support and patience. A journey is easier when you travel together.

The University of Witwatersrand, Johannesburg, offered me a place and a Post Graduate Merit Award (PMA) in 2004 to research on an area of great personal and professional interest. The Departments of International Relations and Political Studies were my home. I'm grateful for the chance and for teaching me the 'nimble academic footwork'. Professor Daryl Glaser was my supervisor. We sometimes ran into barriers that eroded my spirit of adventure, but I want to say thanks for the navigating me through the ruffled academic waters. All is well that ends well.

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Friends when God sends us on stony paths, He also provides us with strong shoes, get up every day, love Him, do your best and He will do the rest.
Join me on a journey to the stars.

Kisiangani Emmanuel, Johannesburg. 2008

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