



Volume **SIX** • Section **TWO** • Chapter **SEVEN**

**Report of the Reparation &
Rehabilitation Committee**

**IMPLICATIONS AND
CONCLUDING COMMENTS**

Implications and Concluding Comments

If you saw me at a distance, you would think I was an ordinary person. Even if you get closer, you still couldn't tell. Maybe if you observed me very carefully, you might notice that I seem somehow alone, even in the middle of a crowd.

You would be right. But you would also be wrong. For I am never truly alone. Thousands of people are always with me. My head is so crowded with ghosts I sometimes think it will burst. My ears ring with cries from the voices of the dead.

My dreams flame with horror. My memories are grey with ash.

The Survivor, Jack Eisner

1. The issue of reparation and rehabilitation is real for every victim, though to varying degrees. As history takes the country further and further away from the historical moment of the negotiated settlement in South Africa, and as other challenges, especially that of HIV/AIDS, press ever more insistently on the national consciousness, it may become more and more tempting to deal dismissively with the issue of reparation and rehabilitation. There may be those who feel that there are things that cannot be repaired or rehabilitated. This too may discourage further consideration of the issue. Moreover, it may be argued that there is something very positive about a country that wishes to move forward.
2. Although we may currently be experiencing fatigue about the consequences of the past, it remains true that if we do not deal with the past it will haunt and may indeed jeopardise the future. We need to remember that the Truth and Reconciliation Commission (the Commission) was established in large part because of the dangers of inappropriate forgetting. We acknowledged then and must remember now that moving forward requires acknowledgement of the past, rather than denial. To ignore the suffering of those found by the Commission to be victims would be a particular kind of cruelty. After all, it was the testimony of these victims that gave us a window onto how others saw the past and allowed us to construct an image of the future.
3. There has been a tendency to dismiss those declared as victims by the Commission as an 'elite victim group'. It needs to be borne in mind that, given

the systemic abuse committed during the apartheid era, virtually every black South African can be said to be a victim of human rights abuse. By using the fact that they testified as evidence of their 'elite' character, these critics are in essence propounding the astounding argument that these victims should be punished (denied legitimate expectations) for having come forward.

4. There were very many victims of apartheid and, certainly, those who came before the Commission are only a subset of a much larger group. This is why, when balancing individual and socially oriented reparations, the Commission sought to address the specific needs of those who came before it in order to contribute to the wider truth about the nation's history, whilst at the same time addressing the broader consequences of apartheid. It is almost impossible to design a reparation programme without leaving some gaps. Nevertheless, the fact that not all victims will receive individual financial grants cannot be allowed to prevent at least some clearly deserving victims from getting such awards.
5. The reality is that a specific group of victims was identified via a legislated and broadly accepted process. While their circumstances are possibly more representative than otherwise, their uniqueness lies in the fact that they chose to engage in the process.
6. There are major challenges for the reparation and rehabilitation process. As indicated in earlier chapters, it is often difficult to distinguish victims from non-victims and even to isolate key events that caused subsequent problems in people's lives. It is not always possible to draw a clear line between a gross violation of human rights and the more general features of oppression. It is difficult to know where, in the ongoing development of individuals, families and communities, one could measure the effects of human rights abuses, even if such measurement were theoretically possible. Given the very limited resources in South Africa, very little of this work can be done.
7. Besides, even if South Africa had unlimited resources at its disposal, much of the damage that has taken place is irreparable. Human development in the context of abuse and violation is not infinitely reparable, and part of the task for healing in South Africa lies in accepting what cannot be done.
8. The acceptance of limitations, however, does not mean the abdication of responsibility, but rather a sober assessment of what can and cannot be achieved.

9. It is this assessment that must form the basis of our future growth as a nation. Poverty and the economic implications of the AIDS epidemic make economic considerations important in the rehabilitation process. The line between victims and non-victims is often obscure; hence it may be ethically problematic to provide victims with preferential access to services such as education, housing and employment. It is, moreover, common knowledge that many public sector services – such as health, welfare and education – are woefully under-resourced in South Africa. Wishing that things were different will not make these problems go away. Again, attempts to give preference to victims in these services could potentially meet with resistance because there is not, in any case, enough to go around.
10. Despite this, preferential opportunities on the basis of need for victims across the political spectrum may be important symbolic acts: they would communicate that the current leadership takes seriously what South Africans have endured, and signal a commitment to establishing a just and humane society in which human rights are respected.
11. Given resource constraints, creative ways of generating funds earmarked for rehabilitation services should be considered. These could include tax incentives to encourage private sector businesses to contribute to a specific post-Truth and Reconciliation Commission Fund. The economic and social implications of a time-limited taxation levy on wealthier South Africans' earnings also need to be considered.
12. However funds are generated or redirected from other budgets, it is important that we do not forget the high levels of emotional pain in our country and the fact that we need to build up services to deal specifically with these. Public sector mental health provision is inadequately resourced at present and there is insufficient training and ongoing support for frontline helpers across a range of sectors including education, labour, safety and security, defence, health, and welfare. Resourcing is an issue, and there is a lack of creative thinking about making services physically, linguistically and culturally acceptable to communities. Professional mental health and welfare organisations should be encouraged to share information on successful projects, on methods of assessing impact and on improving the cost-effectiveness of such endeavours. Professional services should act in concert with community-based services. The combination of professional expertise and community-driven support is likely to provide the most cost-effective, helpful and culture-friendly mix.

13. Within the public health sector, dedicated posts for working on rehabilitation and reparation issues need to be established countrywide. The reparation and rehabilitation aspects need to be emphasised for a limited period, after which time these posts could become part of the general public mental health pool. It is important to attract talented and energetic people to such posts. In this respect, the secondment of personnel from other sectors (the health system, the non-governmental organisation (NGO) sector, higher education and the private sector) should be considered.
14. Symbolic reparations such as monuments and museums are important but should ideally be linked with endeavours that improve the everyday lives of victims and their communities. One way of combining the two aims is to involve victims prominently in the design and/or manufacture of monuments and in the running of museums. There are already good examples of this in the country.
15. There is much to do, and not all our ideals can be realised. But the Promotion of National Unity and Reconciliation Act No. 34 of 1995 (the Act) gave an undertaking that something would be done and, for the sake of the future, steps must be taken to take the process forward. Furthermore, much of the current order's legitimacy rests on a fair and appropriate response. The issues, problematic though they are, cannot be ignored.
16. It cannot and must not be forgotten that the Act allowed for reparations for those who testified before the Commission and were subsequently identified as victims. While the recommended reparations are not and cannot ever be proportionate to the harm suffered, reparations may be understood at least as an act of good faith and a serious attempt to alleviate some of the material and psychological trauma that victims endured. Today, when the government is spending so substantial a portion of its budget on submarines and other military equipment, it is unconvincing to argue that it is too financially strapped to meet at least this minimal commitment.
17. In this context, the argument that individual reparations come at the cost of social reparations is hardly persuasive; the two are not mutually exclusive within the context of broader budgetary priorities.

18. As we showed earlier in this section, the legal and normative arguments are unassailable. It may be recalled, too, that the overarching goal of reconciliation and national unity, as expressed in the Constitution and the founding Act, was born of a fragile balance with consequences that go far beyond the Commission itself.

19. The challenge to decision makers is how to acknowledge those who actively engaged with the legal framework of the Act and were found to be victims of gross human rights violations. They must honour the social contract in which these victims engaged, while at the same time adequately acknowledging those who did not or were not able to engage in the process, without overvaluing or undervaluing either party.

20. The Reparation and Rehabilitation Committee (the RRC) believes that its recommendations – which emphasise both individual and collective reparations – represent a blueprint for a workable solution to this pervasive tension.

21. The challenge to us all is to honour the process and to take responsibility for shaping our future. If we ignore the implications of the stories of many ordinary South Africans, we become complicit in contributing to an impoverished social fabric – to a society that may not be worth the pain the country has endured. (...p165)