

Has Everything Been Done? The Nature of Assistance to Victims of Past Political Atrocities in Southern Africa

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1. Introduction

1.1 Overview

This report will review the availability and character of victim support services, for survivors of political violence, within the context of reconciliation and political transition in each of the following Southern African countries: Namibia, Mozambique, Zimbabwe, Malawi and South Africa. The report will also provide a historical analysis of the periods of transition in these five countries in order to put the issue of victim support services in proper context. NGO representatives from each of these countries collaborated to complete this study. This collaboration, termed the Southern African Reconciliation Project (SARP) involved research into the following subject areas within each country: i) the provision and quality of victim support services for survivors of political violence; ii) the reintegration of ex-combatants; iii) the provision of counselling services; iv) the availability of reparations; and, v) the status of current memorialisation projects. As will be noted, each country experienced varying degrees of application and success with regard to these services, and it is this variance that provides both a basis for analysis and the benefit of regional insight.

The report will commence with a general review of victim support services and the relevant theoretical and international considerations that underpin this area. The discussion will then be narrowed in the following chapter to a specific review of the countries and their paths or attempts at reconciliation and victim support. Finally, the report will draw some parallels between the particular country examples, and make some recommendations for future strategies surrounding this issue.

1.2 Research objectives and methodology

The primary objective for this research is to determine the impact of the provision of victim support services on the reconciliation process. The research is based on the premise that there is a relationship between the provision of support services for those who were victimised in political struggle, and the attainment of reconciliation amongst citizens. In each of the five countries, in-depth interviews were held with victims who may (or may not) have received any form of post-political transition support, as well as government or non-governmental organisations that provided such support. The interviews indicate the nature and level of support that was provided in each country and for what length of time. Along with historical texts identified in literature reviews, these interviews form the basis of this report's comparative analysis of the countries.

The interviews were based on pre-designed questionnaires, which were tailored for different categories of interviewees: i) the victims or survivors of torture themselves; and, ii) the staff of non-governmental or civil society organisations that were responsible for delivering the victim support services.

The research data was gathered through a series of interviews in each of the partner countries. In considering the parameters of victim support services, each country was given the task of gathering data from the following interview groups: i) representatives of civil-society organisations; ii) donors; and, iii) victims/survivors themselves. The belief was that a comparative analysis of these three interview groups in each of the countries would provide insight into who provided the support services; the perspective of the donors who funded the services; and, feedback from the victims who were the direct beneficiaries of the services.

Many of the conclusions drawn in this report are generalisations based on the interviews and research data that were collected. Efforts were made to interview as wide a cross-section of the population as possible throughout the five countries. Regrettably, there may be some omissions. In any case, it is intended that the information present is sufficient to paint an informative picture of the situation of victim support services in these countries. If nothing else, the gaps will indicate that there is still more research to be done in this area.

2. Relevant Theoretical and International Considerations

2.1 International obligations

It is important for states to provide comprehensive victim support services during periods of reconciliation to assist with peaceful political transitions. Moreover, pursuant to international conventions and regional agreements, states are obliged to provide ongoing assistance to past and future victims of violence. The conventions and regional agreements that Southern African Development Community (SADC) countries must consider are as follows:

Firstly, there is the *Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment*. This Convention entered into force on 26 June 1987 and in Article 14 states that 'each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an *enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible*. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.'

Secondly, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by way of the United Nations General Assembly in 1985, in Article 11 states that 'where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victim should receive restitution from the State whose officials or agents were responsible for the harm inflicted. *In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.*'

Thirdly, the Convention on the Rights of the Child, which entered into force on 2 September 1990 confirms in Article 39 that 'State Parties shall take all appropriate measures to promote *physical and psychological recovery* and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or, armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.'

Fourthly, the African Charter on the Rights and Welfare of the Child, which came into force on 29 November 1999 provides in Article 22 (1) that 'State Parties, in accordance with their obligations under international humanitarian law, shall protect the civilian population in armed conflicts and *shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.*'

2.2 Victim support services

Practically speaking, despite the forgoing international obligations on African States to provide adequate victim services and compensation, this cannot occur without sufficient foreign donor funding. Unfortunately, most of the funding that donors provide is directed towards civil and political rights such as monitoring elections or strengthening the administration of justice and very little of these funds are earmarked for direct service delivery.¹ As well, while funding rehabilitative services for victims of political violence is a human rights concern with definite health related concerns, neither human rights NGOs nor health NGOs feel that this area is a priority that requires proper funding. More specifically, health NGOs are more focused on communicable diseases and HIV/AIDS, while human rights NGOs tend to focus on stabilizing newly emerging African democracies and the institutions that assist in this endeavour. Taking a holistic approach, it is ironic that these international NGO funders, in their attempts to strengthen post-Cold-War African democracies, have decided to focus their resources on issues surrounding the rule of law to the exclusion and detriment of reintegration and healing programmes.

Nonetheless, aggrieved classes of people must be included in any reconciliation movement as transformation cannot be fully achieved unless ex-combatants and victims have been compensated and treated. The indicator of true reconciliation must therefore be the removal of the status of victim (and, by implication, the eradication of the policies and structures that sanctioned the victimisation in the first place).

As this report will indicate, there are marked differences in the type and level of state and non-governmental support services available in each of the five partner countries. However, despite the differences, there is one resounding similarity: in each of the five countries, a significant part of the population was victimised by political oppression. In most instances, the lingering effects of this victimisation (exaggerated by the initial lack of services to properly address it) have inhibited the reconciliation process. It will be argued that part of the reason for this inadequacy of victim support services has to do with an inadequate understanding of the scope of the victimisation.

Most of the victim support services that are discussed in this report were restricted to a particular time period, and many are no longer operational. On the one hand, the fact that

they are not operational may indicate that there is no longer need for them. On the other hand, it may indicate that there is no support available for those who might still be in need. The present lack of victim support services, acknowledged by the victims themselves, serves only to broaden the victim base.

The problems or challenges associated with victim support services relate, first, to identifying the different victim groups and, second, to providing support or assistance to address a particular form of victimisation. For example, child victims experience various forms of victimization - from orphanhood to recruitment into armed service - and hence such victims require specialized support services. In order for reconciliation to be achieved, both within the individual countries and throughout the region, it must be firstly be acknowledged that citizens were victimised at the hands of the state or at very least with the cooperation of the state. For this reason, clear efforts must be made on the part of the state to make up for or alleviate this victimisation. The reality is that reconciliation is unattainable so long as victim groups remain unacknowledged.

It must also be recognised that any support services or reparations programme can never fully compensate those who were victimised, and that one of the aims of instituting a compensatory programme should be to demonstrate a government's good faith in its efforts to restore the dignity of the victims, even if only nominal payments and basic services are possible.

3. Country Profiles

3.1 Namibia

3.1.1 Brief historical background

German colonisation of Namibia lasted from about 1884 to the early 1900s, during which present-day Namibia was known as Deutsch Südwestafrika. As compared to other African countries, colonisation came late to Namibia. Despite its rich supplies of uranium, copper, lead, zinc, and gemstones, Namibia's barren and inhospitable coastline made it relatively unfavourable for colonists until the late 19th century. The Germans applied the strategy of divide and conquer to the various Namibian communities; however by 1914 the Germans surrendered the colony to the South African army, which was also fighting for the Allied Forces. At the end of WWI, the League of Nations gave South Africa the mandate to rule the former German colony, and it became known as South West Africa. This mandate was renewed by the UN at the end of WWII, but the UN stopped short of allowing South Africa to annex the territory. Despite international objection, South Africa tightened its grip on the territory and retained administrative control of the mining operations that had begun there.

As the situation continued, the labour force, most of which was conscripted to the mines, became increasingly dissatisfied and restless and, by the late 1950s, mass demonstrations and talks of nationalism were common. Political parties began to form and strikes were organised among workers in Namibia, and among Namibians who had been sent to work in South Africa. By 1960, these various political parties had merged together to form the South West Africa People's Organisation (SWAPO). In 1966, SWAPO took its objections to South African occupation to the International Court of Justice (ICJ). Although the ICJ did not adjudicate the case, the UN General Assembly voted to end South Africa's mandate

over Namibia, and set up a Council to administer the territory. South Africa responded aggressively towards this, with thousands of demonstrators shot or detained. Shortly thereafter, SWAPO began its campaign of guerrilla warfare.

The battle for Namibia continued between SWAPO and South African forces, with the South African government refusing to negotiate a UN-sponsored independence deal for Namibia unless Cuban troops were removed from neighbouring Angola. Eventually, increased guerrilla warfare by SWAPO, increased international sanctions, the high cost of the war and drastically reduced income from mineral exports brought South Africa to the negotiation table. In 1989, UN-monitored elections resulted in a SWAPO majority, but negotiation with the other political parties was still required to develop and adopt the Constitution. In March 1990 independence was attained and Sam Nujoma, the SWAPO leader became President of Namibia. Nujoma's policies were based on a national reconciliation programme to heal the wounds of 25 years of armed struggle and on a reconstruction programme based on retaining a mixed economy and partnership with the private sector. In the 2004 elections, SWAPO was victorious with 75% of votes, and March 2005 saw Nujoma's handpicked predecessor, Hifikepunye Pohamba, step into power.

3.1.2 Nature of political violence and current political situation

Initially, the internal conflict in Namibia was due to SWAPO members' (both in and outside of Namibia) divided opinions about how to achieve liberation from South Africa, and who would be responsible for leading the struggle. In the current political situation, many believe the government has not fully acknowledged the struggle of all who participated in the country's independence and that the fruits of independence are disproportionately enjoyed by members of the old SWAPO guard.

In Namibia, many became victims due to their actual or perceived opposition to the government and their involvement in the liberation struggle. For instance, in the late 1970s, when some Namibian high school students staged boycotts, to protest Bantu education in Afrikaans as the medium of instruction, they were dismissed from school and prevented from writing final exams, they were also refused admission to other schools. These people were victimized as a result of their beliefs and their fight for respect and equality. Their lack of education made it almost impossible for them to find work, as their involvement in the boycotts had blacklisted them, and employers were reluctant to hire them.²

There are also stories about the scores of people who were detained in the SWAPO camps. Even after independence, no news was released about these disappeared individuals. This had the trickle-down effect of the entire nation being victimized by the unknown.

3.1.3 Government policy

The official government policy on the issue of reconciliation is the so-called policy of National Reconciliation, which aims to forge ahead without addressing the past and its consequences. The unofficial truth is that the government does not want to talk about the past and about its own involvement in the atrocities. But this plan of forgetting is "not that easy for these guys who were tortured, called spies, and detained in the dungeons."³

The approach that the Namibian government has taken to reconciliation seems to be destined to make reconciliation elusive forever. The SWAPO government introduced a policy of general amnesty, the effect of which was to create a "clean slate" for the relationship between victims and perpetrators. The problem with this approach is that it does not leave any room for accountability. In this way, perpetrators were absolved of responsibility and victims were effectively told that the government will not entertain any complaints.

3.1.4 The views of the public, victims and ex-combatants

The public position is that the government is sorely neglectful of its responsibilities, especially since many of the perpetrators of crimes have escaped (into the lap of government luxury) with impunity. Furthermore, the general amnesty has more or less silenced any government action on the issue. When investigators with the South African Truth and Reconciliation Commission contacted Namibian authorities for research and investigation assistance, they were informed that the issue of past atrocities (occurring either in Namibia or South Africa) was a closed wound that the Namibians did not wish to re-open.

So Namibia has no formal legislation to structure the reconciliation or reparations process. This also means that there is no official government support for victims. The reluctance of the government to directly confront the issue is due in large part to the fact that many of those currently in government were themselves perpetrators of some of the atrocities for which the victims seek acknowledgement and compensation.

3.1.5. Role of civil society

Namibia's civil society organisations, such as Breaking the Wall of Silence (BWS) and the National Society for Human Rights (NSHR), are essentially victim-founded support groups that seek to address the current problems to do with reconciliation and the differences between government and civil society, and to provide necessary support to victims.

In addition to these organizations, an informal group of ex-detainees convenes annually to share ideas and strategies for reconciliation. The Council of Churches of Namibia (CCN) serves as the mediator between the government and the victims' groups, but the government has been reluctant to cooperate. Thus, few negotiations have taken place, and there has been no clear development of a government strategy to facilitate the reconciliation process.

⁴ Government reluctance to take responsibility for the atrocities of the past is compounded by the fact that the ex-detainees and victims of torture are themselves reluctant to claim compensation from SWAPO. This is attributed to a lack of effective counselling mechanisms in Namibia. Although there is the PEACE (People's Education Assistance Counselling for Empowerment) Centre, more counselling centres offering a wide range of counselling options are needed.

Counselling will not only help these people to come to terms with what happened to them, but will also serve as information dissemination. Most of the ex-detainees are ignorant, they lack knowledge and information. The accessibility of legal representation is another issue [that] needs to be

addressed.⁵

3.2 Mozambique

3.2.1 Brief historical background

European influence first came to Mozambique in the 1600s with the Portuguese traders, who dealt in gold, ivory and, later, slaves. In the late 1800s, Britain, France and Germany permitted Portugal to keep the territory known as Portuguese East Africa, in exchange for land concessions to foreign companies in the northern part of the country.

The early 1900s did not see much change in Mozambique, as the Portuguese were committed to hiring out human labour to neighbouring South Africa and then Rhodesia, rather than developing Mozambique. When Salazar came to power in Portugal, he introduced the cultivation of cash crops such as cotton and rice, with profits going directly to Portugal. The scheme required all men over age 15 to work on the plantations for six months, and this drove many men to migrate to other countries. It also led to the decrease in production of food crops and by the mid-1900s, famine and starvation was widespread.

Talk of independence began in 1960 when the locals became increasingly frustrated with taxes, and after the death of 600 peaceful protesters at the hands of Portuguese forces. As resistance to colonial rule increased, the Mozambique Liberation Front (FRELIMO) was formed in 1962 and sought the complete liberation of Mozambique by armed struggle.

This struggle was slow, and dragged on until 1975, one year after Salazar was overthrown. The Portuguese withdrew as soon as independence was attained, and this rapid withdrawal left the country in chaos and the economy near collapse. FRELIMO, led by Samora Machel, set about to govern the new country through a policy of radical social change. This included abolishing private ownership of land, and instead creating state farms and peasant cooperatives. In addition, schools, banks and insurance companies were nationalised. Due to these strict policies, by 1983 the country was nearly bankrupt. The economic crisis was compounded by a three-year drought, and efforts by South Africa and Rhodesia to destabilise the country with the creation of the Mozambique National Resistance (RENAMO). The result was a civil war created by external forces, and not internal politics.

Change finally came in 1984 when a peace accord with South Africa was supposed to end South African support for RENAMO, and Mozambique agreed to open up the country for investment by South Africa and other foreigners. South Africa did not keep its end of the deal, however, and continued to support the rebel forces. Machel died in a plane crash in 1986, and was replaced by Joaquim Chissano. As political change swept through the region, it became more difficult for RENAMO to get support. Also, in 1990, FRELIMO abandoned its Marxist ideology, and Mozambique switched to a market economy; state enterprises were privatised, and multiparty elections were scheduled. RENAMO came to see that their guerrilla tactics would not accomplish anything, and a peace agreement was signed in October 1992. RENAMO was able to operate as a political party to compete in the elections. The 1994 elections resulted in a win for FRELIMO, with Chissano as President. In 2004, Chissano stepped down and the country elected another FRELIMO candidate, Armando Guebuza as president.

3.2.2 Nature of political violence and current political situation

The nature of the political violence in Mozambique was a consequence of the 17-year civil war. This resulted in an entire nation victimised by the ravages of war in the form of loss of homes, family members, economic stability and personal liberty. In terms of direct casualties of war, the victims were the men who were on the battlefield. However, the widespread use of landmines has also killed and severely injured women and children, as a large sector of the population has been indiscriminately handicapped.

Sadly, both sides in Mozambique's liberation war utilized child soldiers.⁶ In order to secure their participation in the war effort, many children were forcibly removed from their homes, subjected to psychological torture and forced to use drugs.⁷ This immersion into battle not only destroyed these youths' innocence, but also made it very difficult to later reintegrate them as functional human beings in a non-combatant society.⁸

Even now, twelve years after the Peace Accord, the problem of child soldiers still lingers, as it relates to their reintegration. The fact that these people spent the majority of their childhood engaged in the practice of war meant that they did not have a normal childhood. They did not go to school, and thus were not trained or educated in anything apart from the practice of war, thieving and looting. According to one interviewee, it is these former child soldiers who are responsible for terrorising society with hijackings at gunpoint.⁹ In order to assist former child soldiers, there is a need to provide incentives for education and prioritise professional skills training and self-employment schemes for this group.¹⁰

3.2.3 Government policy

The government's reconciliation policy is outlined in the 1992 Peace Accord. Just before the official end of the war, as the government was actively working towards demobilisation, a reintegration programme to distribute agricultural and work instruments was put in place. This was done in recognition that a healthy, peaceful society would be dependent upon the active participation of ex-combatants. If these initiatives were to be successful, the focus should be on rural areas where the existence of collective agriculture would provide opportunities for the ex-combatants to develop more productive skills. The government's launch of assistance programmes through the Ministry for Coordination of Social Welfare and Institute for Social Security is an example of this.¹¹

Government support in Mozambique is also available from the Ministry of Women and Social Welfare. But this is very limited and barely effective. One function of this new Ministry is to provide assistance to elderly women.¹² The resources available to the Ministry are limited, and so is the volume of support that it is able to provide. In addition, the material support provided is not delivered under a reparations or compensatory scheme. Instead, it is in the form of government replenishing what people have lost, just as they would replace property in the wake of a natural disaster. Unfortunately, this has the effect of diminishing government accountability to the cause of victimisation – the protracted civil war.¹³

One group of victims that is easily recognizable and well-supported by international donors

are people who have been injured by landmines. The reasons for this are varied. Firstly, lost limbs or deafness caused by landmines make these victims easily identifiable and foreign donors can therefore provide immediate relief by way of prosthetics and hearing aids. Furthermore, the high level of international attention to this issue, as demonstrated by the Ottawa Convention on Landmines, and Princess Diana's media campaign on this issue, caused a ripple effect and many donors attached themselves to this cause. In fact, one can argue that there has been a disproportionate emphasis on this group of victims by the international community to the exclusion of child soldiers, females subjected to sexual abuse during the war and torture victims.

On the other hand, the majority of government initiatives in Mozambique have been aimed specifically at facilitating the social reintegration of ex-combatants rather than the landmine issue. In this regard, in order to facilitate the reintegration process, support strategies were provided by the Mozambique government in collaboration with the United Nations Operation in Mozambique (ONUMOZ). Part of this collaboration included the creation of a commission on reintegration (CORE). Presumably, any support services provided to the ex-combatant victims would be done through these structures.

In recognition of the wide victim base, and that concerted reintegration efforts would be necessary, the government implemented programmes aimed at the professional and technical training of ex-military personnel, as well as small credit schemes for the opening of small businesses.¹⁴ However, despite the terrible consequences of the war, the government also had to deal with more recent problems and emergencies, such as the 2002-2002 floods. As such, allowing some the remnants of war, such as looting, robbery, and psychological problems, to have taken a back seat.¹⁵

3.3 Zimbabwe

3.3.1 Brief Historical background

Between approximately 1890 and 1897, the area which is now known as Zimbabwe was settled and occupied by the British South Africa Company, under the leadership of Cecil John Rhodes. Rhodes had made his fortune in the Kimberley diamond fields in South Africa's Northern Cape Province, and was keen to expand his enterprise north of the Limpopo River. The land was named Rhodesia, after Rhodes, a white legislature was set up and, European immigration followed. Unlike South Africa, the new territory did not possess large gold or diamond reserves, so Rhodes and the colonial settlers who followed him appropriated prime farmlands from the indigenous peoples, from which they would make their living.

The land seizure was effected with gross human rights violations and the impunity of the perpetrators, which would be constants in Zimbabwe's development. By the time Zimbabwe attained its independence in 1980, 42% of the country's agricultural land and 31% of the freehold land was owned by approximately 4 500 white commercial farmers, a number representing less than 1% of the total population.

The Rhodesian government had effectively subdued the indigenous Ndebele and Shona peoples and it was clear that the colonialists intended to exert full control over both African

and Rhodesian interests. In 1896, the Shona and Ndebele, who had traditionally been enemies, joined forces in what was called "Chimurenga", the War for Liberation. The liberation movement ended in 1897 when the leaders were captured and hanged.

Conflict between the races in Rhodesia intensified after a 1922 referendum in which the whites opted to become a self-governing colony, rather than join the Union of South Africa. The right to vote in Rhodesia was based on British citizenship and a certain annual income, so only a few blacks were eligible.

The economic exclusion of blacks continued when, in 1930, the Land Apportionment Act excluded blacks from ownership of the best farmland. In 1934, a labour law was introduced, which excluded blacks from skilled trades and professions, effectively forcing them to work on white farms and in mines and factories.

After the decade-long federation of Northern Rhodesia, Southern Rhodesia and Nyasaland broke up in 1963, the respective independence of Zambia, Rhodesia and Malawi followed. Within Rhodesia, two African parties had emerged: the Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo and the Zimbabwe African National Union (ZANU), led by Ndabaningi Sithole. By the time Ian Smith became president of Rhodesia in 1964, both ZAPU and ZANU had been banned and the leaders imprisoned.

Before Britain would grant full independence to Rhodesia, it demanded a guarantee of racial equality and a move towards majority rule. Rather than concede to these demands, Smith made a unilateral declaration of independence. Britain declared this action illegal and imposed economic sanctions, which were also applied by the UN in 1968. But these sanctions, which were ignored by most western countries, provided an incentive to Rhodesia to increase and diversify domestic production, and the economy boomed.

In the meantime, ZANU and ZAPU were engaged in fierce guerrilla warfare, and their tactics caused many whites to abandon their farms. Smith bowed to pressure from neighbouring South Africa and Zambia to release political prisoners Nkomo, Sithole and Robert Mugabe and begin peace talks. The talks soon broke down. Nkomo's political differences with the leader of South Africa's ANC caused the ANC and ZAPU to end its partnership. Ideological differences had also caused a split within ZANU, and Mugabe replaced Sithole as its leader.

By 1976, international pressure forced ZANU and ZAPU to form an alliance known as the Patriotic Front. Leaders of the Patriotic Front agreed to join with Smith in a transitional government which provided for: whites to have 28 of 100 parliamentary seats; a veto over all legislation for the 10 years; a guarantee of white property and pension rights; and, white control over the army, police, judiciary and civil service. The transitional government would also give amnesty to all Patriotic Front guerrillas. The transitional government was called Zimbabwe-Rhodesia, and at the helm were Smith and Abel Muzorewa of the African National Council. For a variety of reasons, the transitional government did not bring stability, and the tensions escalated into what was called the Second Chimurenga. Smith had no choice but to call for a general non-racial election.

By 1979, Britain had asserted that any new constitution governing the Zimbabwe-Rhodesia

territory had to be agreeable to all parties, including Britain, and be ratified in free general elections. Delegations from all parties met at Lancaster House in London to draft a constitution that would be suitable to both the Patriotic Front of Nkomo and Mugabe, and the Zimbabwe-Rhodesian government of Smith and Muzorewa. Mugabe wanted absolute power for himself, and he initially refused to make any concessions. But after lengthy negotiations, the Lancaster House Agreement was finalised. The Agreement gave the white population (three percent of the total) 20 of the 100 parliamentary seats and provided that private land could not be nationalised without fair compensation.

In March 1980, Mugabe achieved a landslide victory and was later sworn in as Prime Minister, with Reverend Canaan Banana as President. Although initially things seemed promising, with a booming economy, increased wages and improved social programmes in education and health care, the unity soon fell apart. Old tensions between ZANU, which was mostly Shona, and ZAPU, which was mostly Ndebele, resurfaced into armed conflict, and ZAPU leader Nkomo was accused of plotting to overthrow the government.

3.3.2 Nature of political violence and current political situation

In Zimbabwe, despite the belief that liberation from Rhodesian white rule would bring great prosperity to all the people, the Matabeleland Massacre shortly after the 1980 independence demonstrated that tribal differences between the Shona and Ndebele could be just as destructive as that between races. The massacre was perhaps the closest that Zimbabwe came to a civil war. The tragedy was heightened by the fact that the perpetrator of the mass violence was the government itself. Many of the interviewees mentioned that the development of Matabeleland (in terms of its infrastructure, education and economy) would be a step towards transitional justice.¹⁶

The provision of victim support services in Zimbabwe relates to specific periods of "victimisation". Initially, there was the liberation struggle, from 1972 to 1980. Although, in many ways, the entire nation was victimised in this struggle, the liberation of Zimbabwe was also a victory for all of its citizens. However, there are those who were killed or injured in the liberation struggle and, of course, family members who continue to be the victims of loss. On a smaller scale, there was the victimisation period of the early 1980s (from immediately after independence in 1980 to 1982/3). The most notable victim group of this period is the orphans – children whose parents were killed, and those whose homes and property were destroyed.¹⁷

More recently, Mugabe's radical land redistribution plans of the early 2000s involved use of the war veterans (many of whom had not been active in society since the liberation war) to seize most of the prime farmland. The consequence of these actions has been that Zimbabwe, which was once the breadbasket of the Southern African region, has virtually ceased agricultural production, inflation is multiplying rapidly, and unemployment levels are soaring. Also, it should be indicated that local government, as well as presidential and parliamentary elections that have occurred in the last five years have been rife with inaccuracies, and the opposition, the Movement for Democratic Change (MDC) have alleged election fraud. At the very least, international election monitors have been unable to certify the elections as free and fair. Nevertheless, Mugabe's grip remains firm as Zimbabwe spirals further into economic and political chaos. No doubt these recent events

will create a whole new class of victims.

3.3.3 The views of the public, victims and ex-combatants

Overall in Zimbabwe, victims (primarily those of Matabeleland) do not feel that their situations have been adequately acknowledged or compensated by the government.

The government promised to pay compensation to the people who had risked their lives and contributed towards the liberation effort. The reports on this issue seem to have been taken mostly from Ndebele victims of the Matabeleland massacre, where some "war veterans" were compensated while many others were not. Those who were compensated got a substantial package, according to one of the interviewees. At demobilisation they each got \$185 and, in 1997, the interviewee got a lump sum payment of \$50 000. After 1981, those who had been injured in the war were entitled to a monthly payment. However, the drastic devaluation of the Zimbabwe dollar has meant that that payment is almost worthless today. Most of the other interviewees, however, reported getting very little or nothing at all.¹⁸

Other promises made to the ex-combatants and not fulfilled were the provision of school fees and other necessities for their children. They were assured that they would get free and specialist medical treatment for injuries sustained in the fight and that they would be entitled to free transportation. Those who expressed a desire to go into income-generating schemes, like fish farming, were also promised that they would get financial backing from the government. None of these promises have been met to date.

Citizens who had been injured in the war were also promised compensation by the government but, according to the interviewees, most of the citizens were turned away from the hospitals. Those who were brave enough went to the points that were set up by the social welfare department and got registered for compensation. The others were traumatised to the point that they were suspicious of any government-sponsored initiative to help, thinking that they would be targeted for more victimisation. There were others, though, who registered for welfare benefits and got nothing.¹⁹

3.3.4 The role of civil society

Despite NGO commitment to provide victim support, the government was not at all supportive of such endeavours, and tried to make the environment rather difficult for NGO activity.

Initially, when the massacre took place, most of the NGOs ran away from Matabeleland, the reason being that government was putting pressure on them, forcing them to close down their work in the area.²⁰ The Amani Trust was one such non-profit organisation that stayed with the Matabele despite dissuasion. This organisation did a lot of work by offering psychological counselling to survivors of violence and to ex-combatants. For easy access to the people, this organisation trained nurses to be counsellors in local hospitals or clinics.²¹

Soon after the war, Joshua Nkomo and ZAPU set up an organisation called Nitram. Soon, veteran soldiers began putting their money into this organisation and using it to run schemes to sustain them and their families. Unfortunately, Nitram was allegedly raided and

sacked by government soldiers. As well, after the war, organisations like the Legal Resources Foundation became involved in helping those people who had directly fallen victim to the war.²² The organisations worked as a network, though with some overlap in activities, and at times would work as advice offices for people seeking services. For example, there were many children whose parents disappeared during the war period. According to the laws, these children could not be given birth certificates for themselves or death certificates for their missing parents, making it impossible for them to administer estates left by such persons.

Organisations like Ukubuyisana and Legal Resources Foundation helped people acquire the documents they needed. According to one of the interviewees there was a time when it was feasible to take the government to court over issues surrounding the liberation fight or any violence committed thereafter, but now it is virtually impossible. Other organisations together started an investigation of the atrocities committed, and published a report called "Breaking the Silence". These NGOs were also involved in encouraging people to actively seek reparations and reconciliation.²³

3.4 Malawi

3.4.1 Brief historical background

The first Europeans to arrive in Malawi were the Portuguese, who arrived from Mozambique. However, the most famous European in Malawi was the Scottish Missionary, David Livingstone. Livingstone arrived in Malawi in 1859, and claimed to be the first explorer to spot Lake Malawi, which he named Lake Nyasa.

During the late 1880s, Cecil Rhodes undertook to have his British South Africa Company administer the Shire Highlands area in what is today southern Malawi. By 1891, the British Central Africa Protectorate was extended to include land along the left side of the lake. In 1907, the protectorate was renamed Nyasaland, and there was an influx of European settlers. The presence of the colonialists was somewhat beneficial in that the slave trade ceased, inter-tribal conflicts came to an end, and health care improved. However, the colonialists' fierce demand for land displaced the local inhabitants and rendered them squatters. The end result was that many of the indigenous people were forced to find work in the white-settler plantations, or become migrant labourers in neighbouring Northern and Southern Rhodesia.

The first opposition to the colonial government came in 1915 under the leadership of John Chilembwe, a reverend who preached against white domination in the region and against the forced conscription of Africans into the British Army at the start of WWI. Chilembwe's uprising was short-lived, and he died in the process.

After WWII, the British slowly began incorporating Africans into the civil service. However, it was not until the 1950s that Africans were part of government administration. Overall, economic development in Nyasaland was slow since, unlike in other colonies, there was no mineral wealth in the territory. In an effort to boost economic development, in 1953, a Federation was formed between Northern and Southern Rhodesia and Nyasaland. At around the same time, opposition to the formation of the federation and the continuation

of colonialism spawned the formation of the Nyasaland African Congress (NAC), headed by Dr. Hastings Kamuzu Banda. The colonial authorities became wary of the NAC, and so a state of emergency was declared on 3 March 1959, and Banda was imprisoned. Banda was released on 1 April 1960, and he returned as head of the NAC, which had been re-formulated into the Malawi Congress Party (MCP). The country moved towards preparing itself for independence, which came in July 1964, with Banda as Prime Minister. In July 1966, Banda became President of Malawi, and in 1971, he was declared Life President.

During Banda's reign, there was no tolerance for dissent, and those cabinet ministers who dared to disagree with, or to challenge him were forced into exile. Banda's 30-year rule is often described as a "reign of terror", as he was obsessed with broadening and maintaining his power base. He banned the foreign press, effectively eliminating objective criticism of his government, and his Agricultural Development and Marketing Corporation (ADMARC) gave him power over all agricultural sales and, essentially, over the national economy.

When other countries in the region were shying away from South Africa because of its apartheid policies, Banda took the opportunity to develop a trading partnership with South Africa. However, with the end of the cold war in the early 1990s, South Africa was no longer in need of Malawi's alliance. Also, around this time, national opposition and opposition from exiled Malawians was growing. In 1992 the Catholic Bishops issued a public letter, condemning Banda's regime and calling for change. In addition, international pressure mounted, and donors restricted aid until Banda agreed to relinquish his control over Malawi. In June 1993, a referendum took place in which the populace overwhelmingly chose a system of multiparty democracy over Banda's autocratic rule. The first multiparty elections in Malawi took place in May 1994 and were between Banda's MCP, the United Democratic Front, led by businessman and former MCP secretary-general, Bakili Muluzi, and the Alliance for Democracy (AFORD), led by trade unionist Chakufwa Chihana.

The election resulted in victory for Muluzi. A new constitution ushered in several rights, and freedoms that had been restricted under Banda came into effect. With the help of the IMF and the World Bank, economic reforms were made, which would later have devastating effects on the general population, as inflation and unemployment rose 50%. Despite these major problems, Muluzi was re-elected in 1999. Although there has been some development and foreign investment in the country, Malawi is still overwhelmingly poor. Also, allegations of government corruption and misuse of resources have overshadowed whatever good may have been accomplished. In 2004 elections, the governing UDF party remained in power, with Bingu wa Muntharika elected as president. However, early in 2005, Dr. Bingu wa Muntharika resigned from the UDF and formed his own party, the Democratic Progressive Party (DPP).

3.4.2 Nature of political violence and current political situation

After the British left, Malawians were subjected to cruel and unyielding victimisation by one of their own. Initially, Banda's victims were members of his first cabinet who disagreed with him on certain political matters. Other victims were those who sympathised with the dissidents, and the friends and relatives of the dissidents.

Although it is clear that, in the case of the primary dissident victims, the reason for the victimisation was political opposition to Banda's policies, the basis for the victimisation is

not so clear insofar as the secondary victims are concerned. Many of those who suffered from torture and property confiscation were targeted because of their religious beliefs. In particular, Banda viewed the tenets of the Jehovah's Witnesses as being incompatible with his staunch party membership and obedience policies.

Many victims feared for their lives, and fled into exile to escape the reach of Banda's revenge. Banda's belief was that in order for the country to run effectively under his leadership, there needed to be total unity, loyalty, discipline and obedience.²⁴ In fact, this requirement was one of the official party rules.²⁵ The disagreement between Banda and key members of his cabinet involved: i) Banda's costly plan to transfer the capital from Zomba to Lilongwe; ii) Banda's friendly attitude to the Portuguese occupying neighbouring Mozambique; iii) his trade relations with Southern Rhodesia; iv) the imposition of a 3-cent user fee for hospital visits; v) and, a salary freeze for civil servants. Banda's refusal to officially speak out against the apartheid system in South Africa was another major source of disagreement between him and some members of cabinet.

Victimisation also extended to those who sympathised with the dissidents. These sympathisers were tortured, abused and held in political detention. They were punished for being supporters, friends or comrades of those who had disagreed with Banda. Some of these victims also became internally displaced. They were forced to seek refuge and asylum in other parts of the country, leaving their houses, property, jobs and business in the effort to escape being caught by Banda's brigade.

3.4.3 Government policy

Although, in theory, Malawi's first democratic UDF government acknowledged some level of government responsibility for the provision of victim support services, and this recognition was substantiated by the establishment of the Department of Relief and Rehabilitation, and later the National Compensation Tribunal, there was still a considerable lack of political will to effectively solve the problem.

As was the case in Namibia, many of the people in the new government were directly responsible for the victimisation inflicted on citizens. Although Malawi did not outwardly deny accountability for these atrocities by issuing a blanket amnesty, the result was the same, as these leaders remained unaccountable for their actions. In any event, despite the leaders' impunity, Malawi did put structures in place to address the victim problem; however, these structures were not adequately promoted or supported.

3.4.4 The views of the public, victims and ex-combatants

Similar to the case in South Africa, the reaction of victims to government policy in Malawi was overwhelming disappointment. Even today, more than a decade after the much talked about "new dispensation" and as the National Compensation Tribunal (NCT) has ended, the vast majority of those designated as victims do not feel that the government's efforts represented a serious commitment to resolving the victim issue.

The emergence of civil society organisations in Malawi has provided an outlet for expression and advocacy for many of the individual victims and victim groups, yet these

organizations have failed to convince the government to provide financial and infrastructure support for the victims as needed. For example, one returnee and documentation officer in the victim support project stated that:

As much as the government has put certain mechanisms in place towards promotion, reconciliation and rehabilitation, there is still a lot to be done. Even now, there are still too many people who have not been compensated. There are many who still require assistance in accessing the compensation. Some of these people had at one point been well-to-do; they had property, but that property was destroyed or confiscated by the government.²⁶

3.4.5 The role of civil society

Civil society organizations in Malawi have engaged in a campaign of public education, which aims to educate the general public about their constitutionally guaranteed rights and the government's responsibility to respect and enforce those rights. At the same time, civil society functions as a representative of the general population when it meets with government to negotiate over strategies for development and empowerment.

Although the National Compensation Tribunal was constitutionally created by the state to assist those who had suffered during the Banda era, there was little effort on the part of the government to promote the tribunal, or to inform the public about accessing it. The organizations CHRR (Centre for Human Rights and Rehabilitation) and CARER (Centre for Advice, Research and Education on Rights) provided advocacy and legal advice to those wishing to make claims to the Department of Relief and Rehabilitation and later to access the NCT. Furthermore, the CHRR implemented a support project for victims of torture and political violence. Unfortunately, the programme lacked funding and only lasted during 1996-1997. However, within this period it managed to provide much needed support to a wide range of victims.

3.5 South Africa

3.5.1 Brief historical background

In 1652, a Dutch settlement was established in South Africa. In 1795, the British seized the Cape of Good Hope from the Dutch-Boers, forcing the Boers to move north and into the interior of the country. This migration continued through the 1830s and became known as the "Great Trek". It was then that the Dutch came across the Zulus and attempted to negotiate for land. In 1838, a battle over land resulted in the death of 3 000 Zulus, at what came to be called "Blood River".

By 1843, as the Boers continued to move through the territory, the British annexed the country, and tensions increased. Many short-lived Boer republics emerged, but the only ones that remained were the Orange Free State and the Transvaal. Britain wavered as to whether it would permit the independent Boer republics to remain, but the indecision ceased once diamonds were discovered near Kimberley in 1869; the area was quickly annexed by Britain. Soon after came a flood of European immigrants and migrant African labour. Less than a decade later when gold was discovered in the Transvaal, the British also annexed this area. This annexation led to the First Anglo-Boer War. The result was victory

for the Boers and the reassertion of independence as the Zuid-Afrikaansche Republiek (ZAR).

As gold discoveries around Johannesburg increased, wealth became a great temptation for British imperialists. Between 1895 and 1902, the British began an intense campaign to seize control of the country from the Boers. Once British rule was attained, the need for cooperation with the Boers became clear. However, almost no consideration was given to the indigenous peoples, who constituted 80% of the population. As British domination intensified, efforts were made to restrict the local inhabitants from government activity. In support of this, only whites could be elected to Parliament, and English and Dutch were made the official languages. In response, the outspoken advocacy of Mahatma Ghandi and others laid the foundation for political awareness and activism among the majority local population.

The Union of South Africa was formed in 1910. It excluded the British Territories of what are now Lesotho, Botswana and Swaziland. The first election resulted in victory for the South African National Party, and Louis Botha became Prime Minister.

In 1912, a national democratic organisation to represent blacks, the South African Native Congress, was formed. The name would be changed to the African National Congress (ANC) in 1923. The 1913 Native Lands Act set aside a mere 7.5% of the country's land for occupation by the black population, who made up more than 75% of the population. By 1924, the National Party came to power, with an agenda to promote Afrikaner interests, independence and racial segregation. In response to this, Afrikaans was added as an official language, and by the time of the 1929 election, the issue of the "black threat" was made a dominant concern. By 1933, the National Party and the South African Party formed a coalition government. The South African economy was very strong, and the increasing black labour force became more important to the burgeoning mining and manufacturing industries.

The 1948 election was won by the National Party on its platform of establishing an apartheid system. This system and the reign of the National Party lasted until 1994. During the apartheid era, all individuals were classified by race, and the Group Areas Act prescribed where members of each race could live. In addition, the Separate Amenities Act created separate public facilities such as beaches, buses, schools, toilets and park benches. Mixed marriages were outlawed. The pass law system required blacks to carry identity documents at all times.

In response to the oppressive apartheid regime, in 1949 the ANC called for mass strikes and protests, which continued irregularly throughout the 1950s. In March 1960, the Pan African Congress (PAC) called for national protests against the pass laws. Police opened fire on demonstrators at a police station in Sharpeville, and 60 people were killed and 160 were wounded in what came to be known as the Sharpeville Massacre. Soon after this, the PAC and the ANC were banned, and security forces had the right to detain people indefinitely without trial.

In May 1961, the country withdrew from the British Commonwealth, and the Republic of South Africa was born. The banned ANC was operating underground with Nelson Mandela as its leader. By 1963, Mandela and others had been arrested and charged with inciting

violent revolution and were sentenced to life imprisonment.

The oppression of the apartheid system continued and worsened. After the 1976 Soweto student protests, the strikes, arrests, killings and demonstrations that followed, and after the 1977 death of the black consciousness movement leader Steve Biko in police custody, young black South Africans committed themselves to revolutionary struggle.

The Constitution was re-written in 1983 and, although political concessions were made to the Indian and coloured population, none were made to the blacks. The result was violent protests over the next two years, and in 1985 the government declared a state of emergency that would last five years. During this time, media was strictly censored, and thousands of people were tortured and detained. The international community instituted sanctions, which began to take their toll on the South African economy. South Africa was in desperate need of a change.

When FW De Klerk came to power in 1990, his opening parliamentary address announced a number of reforms, including legalising the ANC and PAC, the repeal of discriminatory laws, the lifting of media restrictions and the release of political prisoners. In light of these reform promises, Nelson Mandela was released from prison on February 11, 1990. By December 1991, the Convention for a Democratic South Africa had begun to negotiate a multiracial transitional government and a new Constitution that would extend political rights to all.

Free multiparty elections were held in April 1994, and the result was a 62% victory for the ANC, with Nelson Mandela as its leader. Second elections in 1999 also resulted in an ANC victory, but this time under the leadership of Thabo Mbeki, as the elder statesman had resigned after one term. In 2004, Mbeki was re-elected for a second term, with the ANC winning a strong majority. Currently, despite the complete abolition of the apartheid system, there is still great economic disparity amongst South Africa's citizens. Although the majority of the poor are still black, there are also some blacks that are enjoying the economic wealth that had previously only been reserved for the whites.

3.5.2 Government policy

Although the South African government has gone to great lengths to address the national issue of reconciliation, by far the most recognised of these efforts has been the TRC, the brainchild of the ANC. On the basis of what was revealed from two previous commissions about allegations of torture in the Quatro camps in Angola, the ANC leaders felt that it would be important to take matters further, because of the ANC's distinguished record in commitment to human rights.²⁷ The stories that had come out of these early commission hearings forced the ANC to consider violations of human rights that had occurred within the liberation movement and in South Africa. These included the crimes of apartheid, and those perpetrated by the Special Forces, the SADF, the police, and third party forces. And further, in light of the fact that there was a movement towards a period of negotiations; the ANC decided that it should promote the idea of a truth commission.²⁸

It was during the negotiation process between the former apartheid government and the ANC as government-in-waiting, that the issue of amnesty came up. The situation was

somewhat precarious. It was evident to most that with the release of Nelson Mandela, the ANC was on the verge of taking power from the apartheid government. However, such a takeover would not have gone smoothly if the former government feared that once they had relinquished power they would be arrested and charged with crimes against humanity.²⁹ In this way then, the granting of amnesty (or at least the process that would provide for amnesty) was a precursor to the transfer of power.

In the case of South Africa, it is generally accepted that the government is constitutionally obligated to give reparations.³⁰ But thus far, 10 years after the change in regime, the new South African government has not been forthcoming with reparations. Frustration at this has prompted some victims to take the issue of reparations into their own hands. They have filed civil suits against some of the publicly known perpetrators as well as against individuals and companies that profited from the apartheid regime by providing material, machinery and technology to facilitate the state's operation.

However, despite all of the political currency that is given to talk of reparations and compensation, there are many who feel that no amount of money can replace what they lost in the struggle. For some it was property or relatives, or opportunities for education and employment. But for all, it was a loss of dignity, which money cannot replace. What can help is a genuine statement of remorse and accountability. As one victim reflected:

What was taken from us, our dignity, and you can see we're still a very nervous group of people, because we were cracked, and no psychologist, doctor or anything can heal that which was broken in that time. Me myself I was cracked that time, but we have had it all these years so we want the future generations never to suffer like this again. So they must repair and restore our dignity as a people.³¹

3.5.3 The views of the public, victims and ex-combatants

The public, for the most part, seemed satisfied with the efforts to establish the TRC, but disappointed that the TRC did not delve as deeply or accomplish as much as would have been required to attain full reconciliation. A recurring complaint with the TRC was that there simply was not enough time to do all that was necessary. Many felt that the mandate of the TRC should have been extended. Even looking at the work that the TRC did in the time that it did it, there seems to be public dissatisfaction with the government's slow pace in implementing the recommendations of the TRC.

The South African government, in recognition of the struggle and victimisation that people endured during the apartheid period, enacted the Special Pensions Act of 1996, to acknowledge that the involvement in the liberation struggle came with economic and social sacrifices. However, the Act does not apply across the board to all who were involved in the struggle. Instead, those under the age of 35 when the Act was passed did not qualify. This restricted many people, who were youths when they were active in the anti-apartheid struggle as it neared its end. Another unfortunate limitation was that, in order to qualify, one needed to demonstrate five years of specific victimisation, whether that be detention, forced exile, or being banned from political activity.³²

There are many South Africans who were wholly dissatisfied with the process of the TRC itself and with the parameters that it set for designating victims. But even after the tribunal had completed, those who took part were still unsatisfied with the result. In the eyes of victims (both those who were able to gain access to the TRC and those who were not) the TRC did not accomplish what was needed to pave the road to reconciliation. As one victim stated, "[t]he TRC failed on two fronts, the TRC failed to fulfil the promises it made to the people, and then the TRC failed again to do its job, that is reaching all the people who are victims who need its [help]".³³

While there is a united voice that calls for recognition, reconciliation and healing, there is also a call to recognise the individual victim groups. Although the entire country was victimised, and thus the whole nation must be healed, it is also true that there are discernible victim groups with separate issues that must be adequately addressed. These groups are differentiated on the basis of geography, economics, personal politics, gender, religion, race and/or their level of involvement in the liberation struggle. There seems to be a tendency to highlight the victimisation of certain high-profile people, but the reality is that the struggle was fought and won on the backs of ordinary South Africans, and they should not be lost in the reconciliation process. In the words of one female victim:

...the women in the struggle need to be recognised, maybe we weren't a Winnie Mandela but in our right we were true heroes, so we should be recognised.³⁴

3.5.4 The role of civil society

Both during the existence of the TRC and in this post-TRC era, there is a need for civil society initiatives to provide a forum for support and dialogue for the citizens. For instance, in the past the Legal Resources Centre made a policy of providing legal advice and services to those who were defined as victims for the purposes of the TRC.

The role of civil society groups in general is to provide support, advice and assistance where government may lack the capacity or political will to do so. Arguably, the most active victim support group in civil society in South Africa is Khulumani. Khulumani³⁵ was established in 1995 in Gauteng Province and now has offices in seven provinces. Khulumani is wholly dependent on external funding. Khulumani's support work has been focused on victims who went through the whole process with the TRC. Khulumani was available to explain the nature of the process of the TRC to them, to facilitate access, and also to accompany them to the actual TRC hearings as desired. However, despite the clear association with identified TRC victims, Khulumani also recognises that there are many legitimate victims who, for any number of reasons,³⁶ did not access the TRC or were locked out of the process. It is acknowledged that officially 22 000 victims accessed the TRC process.

The TRC was only in operation for a period of three years; its report was submitted, and the government announced its response in April 2003. There are still victims in South Africa, however. They may be victims directly or indirectly of the former apartheid regime or they may be victims of HIV/AIDS, poverty,³⁷ or environmental disasters. Although there are many apartheid-era victims whose victimisation has gone unacknowledged and uncompensated, there are also new victims emerging daily, and their plight should not go

unaddressed. It is towards these people that Khulumani will also begin to direct its attentions.³⁸

It is seen that the whole TRC process, despite its limitations, opened the door for expression of victimisation and set the framework for a society that refused to be silent and complicit in their own victimisation. Even though the TRC provided a particular forum for storytelling,³⁹ there is some criticism that it did not provide specific spaces. For instance, the system should have much better acknowledged the victimisation experiences of women in particular.⁴⁰

4. Conclusions and recommendations

In considering the process of reconciliation generally, when one reviews all five partner countries in the SADC region, it can be said that regardless of whether or not there was a specific reparations scheme in place, what people were seeking was an acknowledgement of responsibility from the government. In the case of Zimbabwe, Namibia, Malawi and Mozambique, it can be argued that some members of those current governments had personally committed some of the atrocities of the past. With this being the case, if the countries are to move progressively towards reconciliation, an acknowledgement of responsibility is necessary, perhaps with amnesty for these acting government officials.

In the case of South Africa, it is well known that the previous apartheid regime was responsible for the majority of acts that resulted in the systemic victimisation of the majority of the population. However, the current ANC government does not deny that acts of violence were also committed by its members in the name of the liberation struggle. Fortunately, acknowledgments of responsibility by the current administration during the TRC process did assist some segments of the population with their healing.

Although there are instances where reconciliation has involved some sort of compensatory scheme,⁴¹ no amount of financial compensation can make people feel reconciled with their situations. There is no magical formula in the reconciliation process that specifies that the giving of a certain amount of money will translate into a feeling of reconciliation. Instead, the magic lies in genuine remorse, acknowledgement of wrongdoing, and forgiveness. Only then can individuals, and the nation as a whole, move forward towards peace and reconciliation.

This report has attempted to provide an overview of the level and nature of victim support services that are available from either governmental or non-governmental organisations in Namibia, Mozambique, Zimbabwe, Malawi, and South Africa.

The authors have concluded that symbolic sums of money that are given as a one-time lump-sum payment, although of economic value to individual claimants, cannot be seen to contribute towards sustainable reconciliation for society as a whole. Rather in order for reconciliation to be sustainable, it must be community-based, and victims and ex-combatants must therefore be prepared to work within their community and with other communities in order to develop a lasting culture of peace and harmony. To achieve community activism a society must have a strong civil society that is independent and self-directed. Clearly, this is not yet the reality in the SADC region, with the exception of South

Africa, and community activists must therefore rely on foreign donors to assist them in their endeavours. Unfortunately, the mandates of these foreign donors differ from the needs of these transforming societies and the donors will not spend money on rehabilitation and community building at the local level. Rather, international donors are interested in supporting government transparency and state building institutions at the federal or national level, and local counselling clinics, memorialisation projects and job training are often not part of their mandates. With this reality in mind, the following recommendations can be made.

Firstly, the rehabilitation of child victims or ex-combatants should supersede any other budgetary concerns. Specifically, SADC countries should abide by the international and regional conventions that they have ratified and ensure services and compensation are provided to this vulnerable class of victims.

Secondly, the SADC countries should no longer rely on foreign donors to support their local community building initiatives and support services. Rather, local funding for victim programmes and transforming society must be obtained by other means such as:

- requesting corporate assistance by lobbying these entities to take responsibility for their role in past injustices;
- by forging cooperatives whereby expertise in counselling and service provision can be shared within the entire SADC region;
- lobbying governments to provide minimal start-up capital and resources for local victim networks and service providers;
- incorporating programmes for victims of political violence into existing criminal justice victims' initiatives;
- Membership drives to attract local middle-class professionals and small business into the community structure whereby their skills and capital can be of direct assistance;
- Fundraising models from other social service structures should be studied and employed such as NGO women's services and child welfare services.

Thirdly, governments should collaborate with victims on general policies, outputs and services goals. Even if targets are not met, the collaboration will empower victims and allow them to voice their concerns thereby reconciling their feelings of abandonment and helplessness.

Fourthly, it is critical that local NGO's that are currently working in this area network and coordinate activities together to the best of their abilities so that their resources and efforts yield maximum results.

These recommendations, if followed, will create an environment of sustainable transformation and this will lead to a long lasting peace and a new dispensation of human rights and equality.

Notes:

¹ C Welch "Human Rights and Development in Africa: NGOs' in *Human Rights, the Rule*

of Law, and Development in Africa edited by P Zeleza and P McConnaughay (2004)
198-208 at 203.

² Transcript of interview with A.M.

³ Transcript of interview with Clement Daniels, Director of the Legal Assistance Centre.

⁴ Transcript of interview with Clement Daniels, Director of the Legal Assistance Centre.

⁵ Transcript of interview with Clement Daniels, Director of the Legal Assistance Centre.

⁶ Transcript of interview with Ilidio Marques.

⁷ Transcript of interview with Reverend Marcos Macamo, Director of the Ecumenical Service Department, Christian Council of Mozambique.

⁸ Transcript of interview with Arlindo Chingo, pastor and psychologist.

⁹ Transcript of interview with Ilidio Marques.

¹⁰ Transcript of interview with Ilidio Marques.

¹¹ Transcript of interview with Reverend Marcos Macamo, Director Ecumenical Service Department, Christian Council of Mozambique.

¹² Transcript of interview with Reverend Arlindo Chingo.

¹³ Transcript of interview with Reverend Arlindo Chingo, pastor and psychologist.

¹⁴ Transcript of interview with Ilidio Marques.

¹⁵ Transcript of interview with Ms Matilde Zitha, psychologist attached to AMREF.

¹⁶ Transcript of Interview with C.

¹⁷ Interview with Ph. of Ukubuyisana.

¹⁸ Transcript of C.N.

¹⁹ Transcript of interview with C.

²⁰ Transcript of J. Donor, Oxfam Canada.

²¹ Transcript of C.O.

²² Transcript of C.O.

²³ Transcript of B. Donor, German Representative of Misereor in Zimbabwe, p. 1.

²⁴ T. David Williams, *Malawi: The Politics of Despair* (1978 Ithaca, NY: Cornell University Press) at 219.

²⁵ A rule drafted in 1962, intended to provide an effective way of dealing with dissidents in the party, read as follows: "Any member of the party guilty of disloyalty, rumour-mongering, deliberate manufacture of destructive stories, invidious whisper campaigns, loose talk and character assassination against any member of the Party or the Party itself shall be dealt with in such manner as the President in his absolute discretion may think fit." As quoted in Williams, op cit (n24) at 205.

²⁶ Interview with Undule Mwakasungura, former documentation officer with the CHRR torture victim support project, February 20, 2002.

²⁷ Transcript of interview with Dullah Omar, former Minister of Justice, April 26, 2002.

²⁸ Transcript of interview with Dullah Omar, former Minister of Justice, April 26, 2002.

²⁹ Transcript of interview with Dullah Omar, former Minister of Justice, April 26, 2002.

³⁰ RSA - transcript of interview with Paul Haupt (of IJR – March 13, 2002, p. 12)

³¹ Transcript of Focus Group Discussion with Khulumani Victims Support Group, Bonthewel, May 15, 2002.

³² Interview with Zolile Ndwindwa, of the Special Pensions Office in Cape Town, January 21, 2002, at p.4 of transcript.

³³ Transcript of Philipi Focs Group Discussion, May 17, 2002, p. 11.

³⁴ Transcript of interview with Khulumani Victim Support Group, Focus Group Discussion, Bonthewel, May 15, 2002.

³⁵ The name "Khulumani" means "speak out" in Zulu, and the group exists to provide support to victims of political violence (usually at the hands of the former apartheid government), by giving them a platform to share experiences and discuss strategies for redress.

³⁶ Mosikari explains that these reasons ranged from the people not being able to afford transport to get to the place where statements were being taken by the TRC to lack of civic education about the existence and the work of the TRC. See transcript of interview with Ntombi Mosikari – head of Khulumani victim support group in Johannesburg, June 20, 2002.

³⁷ Transcript of interview with Ntombi Mosikari, Head of Khulumani Victim Support Group, June 20, 2002.

³⁸ Transcript of interview with Ntombi Mosikari, Head of Khulumani Victim Support Group, June 20, 2002.

³⁹ The word "storytelling" here is not used in the sense of giving a fictional account, but rather in the sense of telling the story of one's identity. This term is used to place the power of identification and characterisation within the hands/mouth of the person concerned, the person telling the story.

⁴⁰ Transcript of Khulumani Victim Support Group - Focus Group Discussion, Bonthehewel, May 15, 2002.

⁴¹ Note specifically the NCT in Malawi and the TRC in South Africa, both of which provide a system for victims to apply for symbolic financial compensation.