

# All Truth is Bitter

**A Report of the Visit of Doctor Alex Boraine,  
Deputy Chairman of the South African Truth  
and Reconciliation Commission, to Northern Ireland**

Report of the Visit of Dr Alex Boraine to Northern Ireland in February 1999 to explore lessons for Northern Ireland in the work of the South African Truth and Reconciliation Commission

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## Preface

### **By Chairs of Victim Support and NIACRO**

Over the past thirty years our community has been torn apart by violence and conflict. Now, for the first time in three generations we can see the possibility of an end to violence and a shift to a more peaceful society.

However, it must not be forgotten that the past thirty years have created countless victims and involved many combatants. Terrible acts have been committed by people from our community against people within our community. Following the response to the Good Friday Agreement, there is now a clear consensus across the community that this must cease.

As organisations working with, ex-prisoners and victims, NIACRO and Victim Support are profoundly aware of the impact and consequences of that violence to individuals and their families. While there are many remarkable examples of both victims and perpetrators who have been able to move beyond the past, we have been left with a huge legacy of unresolved hurt and hatred.

We also share a belief that our whole community must seek to understand and share responsibility for the complex causes as well as the cost of our conflict before we can move on together.

The visit of Dr Alex Boraine to Northern Ireland in February of this year provided us with a profound insight into the ways in which South Africa has tried to address similar problems. This report outlines the ideas that emerged from our discussions with Dr. Boraine. We are deeply grateful for the time and energy that Alex devoted to this visit and we hope we will continue to draw on his compassion, understanding and expertise as we try to find our own shared truth.

This visit of Dr Boraine was supported by the Community Relations Council, the Northern Ireland Voluntary Trust and the Ireland Fund. We would like to thank them for their support and all the participants who made the discussions so worthwhile.

## Introduction

The struggle against 200 years of Apartheid in South Africa resulting in a negotiated settlement produced a deeply divided society where hostility, mistrust and instability prevailed.

So that this would not destroy the new democracy, the need emerged to develop a new way of coming to terms with the past. The way forward had to create the environment for a lasting and peaceful settlement yet without the need to conceal the many occurrences of human rights abuse.

The Truth and Reconciliation Commission was the response. It was based on the provisions of the Interim Constitution of 1993, which sought to provide, “a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans”. Controversially, the Truth and Reconciliation Commission chose truth over prosecution.

Since its first hearings in early 1996, the Truth and Reconciliation Commission has reached out to tens of thousands of South Africans with its message of establishing the truth and building reconciliation. In October 1998 the Truth and Reconciliation Commission wound up its more than two year life span, having heard the testimony of more than 20,000 people, with the publication of a five volume report on its proceedings.

This strange creature — a political compromise, is regarded as both more and less than was anticipated and today, South Africans grapple with the consequences of the Truth and Reconciliation Commission process.

Some say it missed its mark by the perceived lack of representativeness caused by some feeling unsafe about their participation while others described it as a "witch hunt". The apparent inability to reconcile the tensions between truth, reconciliation, peace and justice led many to say that justice was missing from the process.

Others argue that in the trade off between opposing demands — where amnesty is the biggest trade of all — true healing cannot take place.

Finally, some argue that the failure to deal with economic injustice is one of its greatest omissions.

So what have been its achievements? How does South African society intend using this process and what can be learnt from it that encourages the country's continuing transformation?

As we in Northern Ireland observe how South Africa faces these challenges, what can we learn from their experiences?

How do we begin to deal with the damage we have inflicted on each other and to ourselves in 30 years of conflict, if ultimately we are to achieve personal and community healing?

In particular, how do we remember our history yet find creative ways of moving on? In so doing how do we preserve our new found peace while building unity and reconciliation.

This report describes the themes and issues that emerged during a visit of Dr Alex Boraine, Deputy Chair of the Truth and Reconciliation Commission to Northern Ireland as the guest of

the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and Victim Support (Northern Ireland). His visit provided an opportunity for discussions with a wide range of interest groups to examine the lessons for Northern Ireland from the work of the Truth and Reconciliation Commission. We hope that this report will provide the foundation for the further exploration of the process of truth and reconciliation for Northern Ireland, through the lessons of the South African experience.

We hope we can help to begin a process that may contribute to the achievement of a peaceful and just society; through assisting in the development of reconciliation, by learning of the experiences of other societies in transition that are relevant to our own experience in Northern Ireland.

We hope this report can begin to address the following objectives;

- To conduct a comparative perspective of shared truth and healing between South Africa and Northern Ireland.
- To explore the transitional processes evident in moving from conflict.
- To explore the tensions of transition and the need for accommodation and compromise.
- To conduct a critical examination and analysis of what would be appropriate for and sensitive to our needs in Northern Ireland.
- To start a debate and develop thinking, initially within key constituencies, on approaches to truth and reconciliation, which in turn enters the public domain.
- To explore the public discourse surrounding truth and reconciliation, in particular the use of pejorative terms such as “victim” and “perpetrator”.
- To establish a working group, comprising key activists, to prepare reports and make recommendations to political and community leaders.
- To explore the issues of symbolic reparation, at a personal, community and national level.

# The Truth and Reconciliation Commission In South Africa

(An Abridged Version of a Longer Paper By Dr. Alex Boraine)

## Introduction

Apartheid was a system of minority domination of statutorily defined colour groups on a territorial, residential, political, social and economic basis. It was a system which was entrenched for almost 50 years. It left deep scars.

Because of the social and economic legacy of apartheid, the South African Government had a strong commitment to transformation in the economic and social life of the majority of South Africa's citizens. They also saw a compelling need to restore the moral order, which was put in jeopardy by the abdication of the rule of law and gross violations of fundamental human rights.

In this context, South Africa, in company with many other countries, has had to face up to three critical questions;

First, how do emerging democracies deal with past violations of human rights? Second, how do new democratic governments deal with leaders and individuals who were responsible for disappearances, death squads, psychological and physical torture and other violations of human rights? Third, how does a new democracy deal with the fact that some of the perpetrators remain part of the new Government and/or security forces or hold important positions in public life?

There were several choices open to South Africa as it sought to come to terms with its past. First, a blanket or general amnesty was proposed. This was proposed by the former Government and supported by the security forces but not accepted by the ANC.

The second option was that of calling to account those who were directly responsible for the gross human rights violations that took place and to put them on trial. This was supported for a very long period by the liberation movements. However, they realised that they could not simultaneously prepare for a peaceful solution and adopt this option.

A third option, the one which gained majority support, was to appoint a special commission to offer the possibility of truth relating to victims and perpetrators. Inherent in this was the restoration of dignity for victims and survivors, a limited amnesty and a search for healing and reconciliation.

## Special Features of the South African Model

In the creation of the Commission South Africa learnt a great deal from other countries. There have been in all 19 Truth Commissions in all in 16 different countries over the last 20 years. However, there were some unique features to the South African model:

First, the process by which South Africa arrived at its Commission was essentially democratic and gave as many people as possible an opportunity to participate in its formation. A series of discussions with the ANC and a number of public conferences involving key figures in civil society developed the idea of the Commission for South Africa.

Following extensive discussion and public consultation, proposals for a Commission were placed before the Parliamentary Standing Committee on Justice which was charged with the finalisation of the Parliamentary Bill. Public hearings were held and this was followed by a debate in Parliament where "The Promotion Of National Unity And Reconciliation Bill" was passed by an overwhelming majority.

President Mandela appointed a small representative committee to the Commission. People from all walks of life were encouraged to nominate potential appointees and over 300 names were received by the selection committee. After a lengthy process which involved public hearings, the Committee sent 25 names to President Mandela and he appointed 17 Commissioners who formed the heart of the Truth and Reconciliation Commission. In this way, the appointment of the Commissioners was open and transparent and rooted in a democratic process.

A second unique aspect of the Truth and Reconciliation Commission was the three committees established to consider different aspects of their work. These were:

- The Human Rights Violations Committee which conducted public hearings for victims and survivors. More than 20,000 applications were received.
- The Reparation Rehabilitation Committee which was charged with developing a policy for long term reparation as well as urgent interim relief for ratification by the President and Parliament. The report of this Committee was submitted to Government at the end of the Commission's hearings.
- The Amnesty Committee that heard applications for amnesty.

Thirdly, there was significant time and resources devoted to the work of the Commission. There were 17 Commissioners, 15 permanent Committee members with a supporting, professional and administrative staff and an investigatory unit. Provision was also made for a witness protection programme. The total staff compliment was in the region of 300. In order to cover as much of South Africa as possible, four offices were set up but hearings were not confined to the major centres. Commissioners travelled widely in order to accommodate victims from the remotest areas of South Africa.

Fourthly, it was decided that hearings should be open to the media and to the general public. This provided an enormous advantage for the nation participated in the hearings and the work of the Commission from the very beginning through radio, television and the print media and the right of anyone to attend any of the hearings. This enabled transparency and a strong educative opportunity so that truth telling, healing and reconciliation were not confined to a small group but were available to the entire nation.

Fifth, significant powers were vested in the Commission. The Commission had powers of subpoena and of search and seizure. The Commission was able to secure files and documents which had been secreted away by the previous Government and its agents. This resulted in agreements made by political parties and military and security institutions being made public through the Commission. The Commission also widened their mandate to include public hearings of major institutions such as political parties, the legal system, the business, labour and health sectors, the faith communities and the armed forces.

Sixth, there was a major difference in the approach of South Africa's Commission to the granting of amnesty.

## Amnesty Provisions

The provision of amnesty to perpetrators of gross human rights violations has been, and is, a source of heated debate and controversy. The following quotations identify the contradiction inherent in “blanket amnesty”:

“How can I ever have peace when every day I risk meeting my unpunished torturer in the neighbourhood?”. (Tortured ex-political prisoner, Argentina).

“How is reconciliation possible when lies and denials are institutionalised by the responsible authorities?” (Human Rights activist, Chile).

And,

“No Government can forgive. No Commission can forgive. They don’t know my pain – only I can forgive and I must know before I can forgive”. (Widow testifying to a Truth and Reconciliation Commission Amnesty Hearing in 1997).

A prosecution process can help to give back to victims some measure of personal and social dignity and to an extent can expose the truth. This process has certain limitations. However in the case of South Africa the resolution of conflict was through negotiations not through victory in the battlefield, nor through the collapse of the former regime. Inevitably, negotiation politics involved a search for consensus that necessarily required compromise.

Even when a War Crime Tribunal has been appointed it is not always possible to bring all those implicated in gross human rights violations before the tribunal. Furthermore, criminal prosecutions are time-consuming and securing evidence leading to a conviction is often problematic. The majority of offenders will go free.

In War Crime Tribunals the final word is punishment. But in a deeply divided society this cannot be the final word if healing and reconciliation are to be achieved.

There is a strong case for a mechanism similar to The Truth and Reconciliation Commission to be introduced into countries which have experienced widespread conflict and remain deeply divided. In South Africa attempts have been made to limit impunity and the first decision was to reject a general amnesty. In many other ways the amnesty provisions have tried to ensure that amnesty is not something cheap and easily accessible.

Amnesty in South Africa through the Commission was bound by the following conditions:

- First, amnesty had to be applied for on an individual basis.
- Second, applicants for amnesty had to complete a prescribed form which required detailed information.
- Third, applicants had to make full disclosure in order to qualify.
- Fourth, in most instances applicants appeared before the Amnesty Committee in public.
- Fifth, there was a time limit set to the terms of the Act. Only human rights violations committed from 1960 to 1994 were considered; there was a deadline, marked by the end of the Commission, beyond which amnesty applications were no longer accepted.
- Finally, there was a detailed list of criteria laid down in the Act which determined whether or not the applicant for amnesty would be successful. These included:

- The motive of the applicant.
- The context in which the act took place.
- The legal and factual nature of the act.

The object or objective of the act and in particular, whether the act was primarily directed at a political opponent or state property or personnel, or against private property or individuals.

Whether the act was committed in the execution of an order on behalf of an institution of which the person who committed the act was a member, agent or supporter.

The relationship between the act and the political objective pursued. However, it did not include the following criteria:

- Persons were not excluded from applying because of personal gain.
- Acts of personal malice, ill-will or spite, directed against the victims of the acts committed.

Finally, it is important to note that the truth and reconciliation process was not a substitute for criminal justice, as a number of trials and prosecutions took place simultaneously with the work of the Commission.

South Africa's experience was very similar to many other countries in that witness after witness at the Human Rights Violation Committee's hearing emphasised their deep and fundamental need to know the truth surrounding the loss of a loved one. Repression and concealment have been with South Africa for generations and there was very little likelihood of new evidence coming to light or even witnesses being prepared to testify. The only way victims were going to know some of the truth was for perpetrators to come and tell their story of what they did and to whom and how.

Truth offers not only comfort and peace of mind but also a limited form of justice. Amnesty is a price that South Africa has had to pay for a relatively peaceful transition. It is also a price many victims have had to pay in order to know some of the truth of the horrendous past.

## **The Nature of Truth**

There are four kinds of truth that lie at the heart of the Commission's work:

First, there is factual or forensic truth. The Act which governs the work of the Commission required the Commissioners to "prepare a comprehensive report which sets out its activities and findings based on factual and objective information and evidence collected or received by it or placed at its disposal".

Second, there is personal and/or narrative truth. Through the telling of their own stories, both victims and perpetrators have given meaning to their multi-layered experiences of the South African story. Through the media these personal truths have been communicated to the broader public. Oral tradition has been a central feature of the Commission's process.

Stories that came to the Commission did not come as arguments or claims as if in a court of law. They were often heart-wrenching, conveying unique insight into the pain of South Africa's past. By facilitating the telling of stories the Commission helped to uncover the existing facts about past abuses and assisted in the creation of "narrative truth". The process of reconciliation was helped by ensuring that the silence relating to individual subjective

experiences had been broken. The Commission set about the task of “restoring memory and humanity”.

Third, there is social or dialogical truth. Such truth, is social truth, truth of experience that is established through interaction, discussion and debate.

The process of acquiring the truth is almost as important as that of establishing the truth. This process of dialogue points to the promotion of transparency, democracy and participation as a basis of affirming human dignity and integrity.

Finally, there is healing and restorative truth. The Act required the Commission to look back to the past and to look to the future. The truth which the Commission was required to establish had to contribute to the reparation of the damage inflicted, and to the prevention of it ever happening again in the future. But for healing to be a possibility, knowledge in itself is not enough. Knowledge must be accompanied by acknowledgement. In other words, the accepting of accountability. To acknowledge publicly that thousands of South Africans have paid a very high price for the attainment of democracy affirms a human dignity of the victims and survivors and is an integral part of the healing of South African society.

## **Reconciliation**

The Truth and Reconciliation Commission has been criticised from its very inception. There is a Zulu saying that, “All truth is bitter” and there is no doubt that many in South Africa have found the disclosures made by the Commission unpalatable. A number of individuals, through their lawyers, have taken the Commission to court, in the main protesting against the lack of due process. Many in the white African community accused the Commission of being biased, of being one sided and of trying to destroy the white African. They made their feelings known in newspapers, on radio and television programmes. Some Commissioners had a barrage of anonymous phone calls including death threats.

The opportunities presented by the appointment of The Truth and Reconciliation Commission are far reaching but had clear limitations. Through the life and work of the Commission healing and reconciliation could not be automatically guaranteed. Much more will need to take place in South Africa over many years. In particular, without measurable steps taken to address the ever-widening gap between wealth and poverty, conflict rather than reconciliation may be the order of the day.

## **What Has Been Achieved?**

A number of modest goals have been achieved by the Commission:

First, it has broken the deathly silence surrounding the grotesque consequences of the apartheid system. The stories of victimisation and human rights violations have been told not merely in statistics and incidents but with a potent human voice. Victims and survivors themselves have experienced a degree of catharsis because, for the very first time, they have been received by a compassionate and a sympathetic State appointed Commission. Their experience prior to this was of a hostile State.

Second, against the background of a country where for decades a cover-up was the order of the day and propaganda masqueraded as truth, the Commission’s ability to bring forth truth thus far not known is perhaps one of its greatest contributions to an open society. Perpetrators have come forward in their thousands. The truth has now, in no small measure, been uncovered and there has been an emerging pattern which helps to understand and appreciate what was taking place in a climate created by politicians and a system implemented by generals and by foot-soldiers.

Third, there has been an accumulation of knowledge and in many instances acknowledgement; many people have publicly acknowledged their own collusion with apartheid. This acknowledgement has triggered off a generous response from those who have been victimised and indeed de-humanised in the past. The generosity of spirit by the majority of victims/survivors has been one of the most remarkable experiences of the Commission.

Fourth, white South Africans can no longer say, “I didn’t know”. The truth can no longer be avoided. A remarkable feature of the Commission was the media coverage of its progress. Newspapers and electronic media routinely covered the work of the Commission, every day of the hearings. Hearings were broadcast live throughout South Africa for four hours a day.

Fifthly, within the restraints of a negotiated settlement major compromises were made. South Africa decided to say “no” to amnesia and “yes” to remembrance; to say “no” to full scale prosecutions and trials and “yes” to forgiveness. South Africa chose the third way. Those who committed violations of human rights, who successfully applied for amnesty, in most cases have gone free. In South Africa’s circumstances where there was no victor and vanquished it was a real alternative. In South Africa, the central tension is between the politics of compromise and the radical notion of justice. Another way of stating that tension is to distinguish between retributive justice on the one hand and a prudential focus on the common good in future and justice on the other.

In South Africa the transition was essentially determined by a political compromise. In a real sense there was also a moral compromise. It is morally defensible to argue that amnesty is the price South Africa had to pay for peace and stability. If negotiated politics had not succeeded the bitter conflict could have continued and many more human rights violations have occurred with hundreds, possibly thousands being killed. Hard choices were made but the alternative was in every sense far less desirable and potentially much more destructive.

The moral order can only be restored when it begins where people made the laws, through Parliament. It can only flourish when Judges and Magistrates interpret those laws for the benefit of the disadvantaged, the oppressed and the poor. Reconciliation begins when new laws and their interpretation are implemented. Without political will and courage they remain words with no life.

This is beginning to emerge in South Africa. It is this new spirit, this commitment, which is primarily the Commission’s greatest contribution to a country emerging from a very dark night of the soul into a new day.

## Questions and Reflections for Northern Ireland

### Introduction

The visit of Dr Boraine to Northern Ireland enabled a broad cross section of people to explore what we may learn in Northern Ireland from the experience of the Truth and Reconciliation Commission in South Africa. This report reflects the importance and relevance of much of the experience of that Commission to our present situation. That experience was explored through the questions asked by the diverse interest groups Dr. Boraine met during his visit.

Whilst there are significant differences between the South African and Northern Ireland experience, the visit of Dr Boraine identified the fundamental questions that have to be answered in order to resolve our difficulties. And many of those questions are the same as the questions South Africans had to address in their transition from generations of apartheid to democracy.

Again, whilst the particular Truth and Reconciliation Commission mechanism may not be judged to best suit our needs, the importance of truth telling, the position of victims and the need for reparation and reconciliation are all themes that have significant implications for us here.

This section of the report is based on discussions between Dr Boraine and a wide cross section of groups and individuals. It tries to identify the questions we must ask, and the lessons we may learn, from the South African experience in general, and the work of the Truth and Reconciliation Commission in particular. In all his discussions in Northern Ireland that are the basis of this report, Dr. Boraine was at great pains to stress the limited knowledge he had of Northern Ireland and the importance of people in Northern Ireland making their own judgements about the relevance of his work.

It should also be noted that the themes identified in this report were repeatedly raised by groups and individuals he met. At each meeting an undertaking was given to consult with individuals whose identified views are reflected in the report. However, the ideas and perspectives that emerged during the week reflected considerable commonality. So, it has been largely unnecessary to check back with participants as the report reflects what we consider to be broad themes rather than specific individual contributions.

Everyone reflected the need to effectively manage the trauma of victims and to deal with victims and perpetrators in a way that enables us all to move on from conflict. Most people and groups recognised the importance of truth telling.

A few discussants felt that truth telling would be too traumatic and it would be better to leave people in a state of permanent denial. One contributor actually stated that denial was a mechanism, both individual and collective, that has enabled survival. He voiced concern that this “sickness” was still an essential element in Northern Ireland and he believed that denial may be an essential element, both individually and collectively, in coping with that sickness. It has to be said that these views did not reflect the views of the vast bulk of people and groups met during the week’s visit. It must also be said that for those of us who organised the visit and spent a considerable time with Dr. Boraine, talking and listening to people and groups, we found that this championing of denial we found to be fundamentally wrong.

If there was one truth, that emerged from the visit it is the importance of establishing truth itself and as far as possible an agreed truth as a vital means of moving on from conflict.

Because the purpose of the visit was to explore the relevance of the Truth and Reconciliation Commission to Northern Ireland, the bulk of the report is presented on the basis of questions and possible answers that may be relevant to our experience

## **On Northern Ireland and South Africa**

What are the similarities between Northern Ireland and South Africa that make consideration of a process like the Truth and Reconciliation Commission of interest to us here?

### ***1. The Level of Suffering***

Whilst many more people were killed in the South African conflict, for a small community such as Northern Ireland, the number of people killed, injured or having related victims represents a significant proportion of our community.<sup>1</sup> And it is important to recognise that, as in most civil conflicts, there has been a significant proportion of those most seriously injured drawn from the poorest sections of our community. As in South Africa that suffering has taken place over an extended period of time, involving at least three generations of our people. For many families from both communities, the youngest generation has experience only of a society in conflict.

### ***2. A Conflict That Neither Side Can Win***

In South Africa there was a political stalemate; the White State could not be overthrown by force; the black resistance could not be defeated.

Similarly in Northern Ireland we have two sides to a conflict, neither of which will accept defeat or indeed can be defeated. Is it possible to achieve a reconciled community where surrender or defeat is required by either side? The difficulties over decommissioning reflect those difficulties.

Perhaps this similarity also hides a difference. Whilst in South Africa the two warring parties were aware of their strength and their power (for blacks sheer numbers; for whites control of a well armed and defended State machinery), in Northern Ireland both communities feel under threat and perhaps subconsciously feel their minority status. Indeed the concept of a “double minority” problem often mentioned during Dr. Boraine’s visit, has become almost common parlance and perhaps does reflect the beginnings of an accepted truth by our two traditions.

### ***3. A Damaged Society***

Because we have had an extended period of conflict, our society as a whole is fundamentally damaged. We have tens of thousands of victims of violence. We have thousands of people who can only envisage our society in the context of two warring cultures and of conflicting political aspirations. There are many young people and adults who have little or no knowledge, experience or contact with the culture of the “other” tradition. Within this we have people who believe that acts of political violence must still be a potential part of our solution, many of whom have a self image as soldiers and freedom fighters that reinforces that view.

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<sup>1</sup> “The Final Report Cost of the Troubles Study”. April 1999. Cost of the Troubles Study

#### ***4. A Lack of Awareness of the Abnormal Nature Of Our Society***

Because so many of us have only known a Northern Ireland in conflict, we have come to accept this as “normal”; we have no knowledge or vision of a society that is not at war with itself. This is particularly the case of younger generations who may find it difficult to develop skills and survival mechanisms for a conflict free society.

Because we live in an abnormal society, the solutions to our problems need to reflect that abnormality; there is little purpose designing solutions to our conflict that do not recognise that conflict. Abnormal societies therefore require abnormal solutions.

#### ***5. A Dishonest Society Where We Are Haunted By Truth***

“Dishonesty has permeated the history of this lovely and tragic land. Truth haunts us all.”

During his visit Dr Boraine reflected often on the beauty and tragedy of our country. He focused particularly on the tendency of all of us to deny and be blinded to the reality of the “other“ community and to view events and history through the tinted lenses of our own particular culture.

At the beginning of the work of the Truth and Reconciliation Commission this was very evident. For example initially many white middle class citizens would deny individual stories by blacks of brutality and murder. However, as stories were repeated, as it became clear that the same accounts from different people reflected identical practices in police stations throughout South Africa, and significantly as members of the security forces themselves came forward to confirm these accounts, it became impossible to deny the truth. Through this process divided realities merged into a shared truth. Dr Boraine commented that the Truth and Reconciliation Commission process had enabled South Africans to discover a ‘common memory’ that had replaced a previously separate black and white view of history. In Northern Ireland we too live in a world of different and contested realities.

Whatever process we decide to follow in Northern Ireland one objective must be to establish a truth that the majority from both communities accept; a shared Protestant and Catholic, Unionist and Nationalist, Loyalist and Republican memory.

#### ***6. The Apathy and Denial of the Many***

*Those who have suffered most in our community (as in South Africa) come from the most disadvantaged sections of our community. It is also the case that those who have suffered least, and who have benefited most financially, from the conflict of the last thirty years, reflect an apathy to our situation and lack motivation to work hard for change. In the development of truth that is accepted on all sides as the truth, the apathy of the better-off must be addressed. Truth and progress require at least the acceptance, but hopefully the commitment, of all sections of society here. However it is also important to recognise that there will always be a minority (hopefully very small) who will never be reconciled to change.*

## What Role Can the Church Play in Achieving a Political Settlement?

“It was my theology that drove me out of the church and into politics, informing my life and work.”<sup>2</sup>

### 1. The Quality of Leadership

During Dr. Boraine’s visit, there was the opportunity to discuss our situation with many representatives of the four main churches. One factor that was considered significant in South Africa was the quality of the leadership of the church. The role of Desmond Tutu has established his reputation as a leader of international significance and stature.

That leadership had to deal with many white Christians who had no critical perspective of apartheid, who labelled the opponents of apartheid as terrorists. During apartheid the churches did provide the opportunity for many people to engage in effective opposition to the regime, often at considerable risk to themselves as individuals.

Dr Boraine is a member of the Methodist Church and officiated as a Methodist Minister; he trained in biblical and theological studies and for many years had a theological perspective on the politics of South Africa. He eventually came to believe that the dilemmas of South Africa had a sociological rather than a theological basis and therefore the solutions must also be examined in the context of sociological and societal change. Whilst his theology was always the driving force in his life, his analysis of how his theological belief and commitment could be realised resulted in his leaving the ministry to engage in full time politics

This was marked by a shift in Dr Boraine’s personal career namely his engagement in an overtly political role when he became an opposition Member of the South African parliament under Apartheid. His active involvement in politics was criticised by many of his church colleagues. For both his work in the Church and his later direct political activity, along with many colleagues, he became labelled as a “political priest”.

There were significant risks attached to such a position but it is perhaps noteworthy that many of Dr Boraine’s contemporaries who followed a similar route are now in positions of power and authority in South Africa. However, Dr Boraine warned of the dangers of too close a relationship and collusion between Church and State. The Church he believes should always be distinct and separate from the State, to enable the Church to act as a critic and to act as a check on the possible excess and abuse of power. Referring to Northern Ireland’s fledgling political structures he stressed the need for our politicians to be protected from the corrupting influence of power. “Those in power deserve and need criticism”.

### 2. The Role of Political Priests

In South Africa the Church did provide a vehicle for many individuals who were instrumental in achieving change. On the other hand certain sections of the church developed a theological practice that supported and reinforced the apartheid regime.

The role of the Reformed Church in particular, often labelled the National Party at prayer, must be recognised. For many years the Reformed Church argued for and tried to justify in biblical terms the sin of sex between people of different colour. Are there comparators with Northern Ireland here? Does the attitude of any of our own church denominations reflect a similar attitude? Does the failure of most of the organised churches to recognise the importance and impact of integrated education in addressing division and bigotry reflect a similar truth? Does the failure to welcome and support marriage between Protestant and

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<sup>2</sup> All quotations in this report are reported directly from the comments of Dr. Boraine.

Roman Catholic reflect a similar theological conservatism driven by narrow community mores, rather than universal theological truths?

Dr Boraine noted that the vast bulk of whites involved in the Christian churches did not develop a critical view. Instead they attacked them as ‘political priests’ and labelled them as unchristian. They were viewed as supporters of terrorism and interpreted as sinning against God.

The personal struggles of Christians opposed to apartheid, and their tenacity and bravery in supporting an effective opposition, should not be underestimated or forgotten. Indeed, some may identify parallels between the stories of the life of Christ and those white South Africans who on the basis of their faith opposed the apartheid regime.

What does this teach us about Northern Ireland? What is the role of the leadership of the churches in transforming our own community, in achieving an agreed and peaceful society? What relationship should the churches have to politicians and political change?

### **3. Theology and Politics**

In South Africa the disadvantaged and brutalised lives of most black people was obvious and acted as a significant factor in guiding the lives of ‘political ‘ priests. In Northern Ireland the differences between the two communities are not as stark. Over the past thirty years many of the gross discriminatory practices against Catholics have been addressed, in legislative terms at least (but see later references to differential rates of unemployment). It is also arguable that for many working class Protestants their lives are as difficult and as disadvantaged as their Catholic counterparts. The different political aspirations of the two communities have to be reconciled to protect each community and every individual, whilst at the same time ensuring that gross political discrimination and repression by one community of the other can never happen again.

In reflecting on the role of the church in South Africa, Dr Boraine argued that it was very rare for politicians to work across party barriers, to build together towards agreed objectives. He argued therefore, that the church has a significant role to play here in acting as a reasonable but critical voice.

Such a role, to be effective, is dependent on both perceived and real independence. It requires the churches and Christians to identify the theological basis of their beliefs and to use those beliefs, and not the particular institution or community from which a particular church is derived, as the drivers and guides of change.

It is important to recognise that Dr. Boraine and many others like him were most effective because they opposed practices in their own community and championed the causes of the other. Therefore, perhaps what we require in Northern Ireland are leaders and Christians who challenge their own church and their own community first, before they look to the faults of the other community. Dr Boraine identified that the Church has a central role in teaching. In his own experience during apartheid he often addressed church groups and was frequently attacked for the position he adopted. He always felt it important at such gatherings to reflect and interpret his actions in the context of the teachings of the scripture.

He also reflected that if the church was to play a significant role it had to adopt a position on some of the key questions that effected the community. In our own context, this requires the church to be clear about such matters as decommissioning of weapons and to relate its position on such political questions to theological teaching.

## What aspects of our community must be taken into account when identifying solutions to our problems?

“Dishonesty has permeated the history of this lovely and tragic land”

### Geography and Demography

The most obvious differences between Northern Ireland and South Africa, in terms of the structure of our community, is size and race. South Africa is a multiracial society of 45 million people that extends over tens of thousands of square miles. It takes 2 days to drive from one side of the country to the other. Northern Ireland is largely a single race society of one and a half million people<sup>3</sup>. It takes under three hours to travel across Northern Ireland. What do these differences mean in terms of the solutions we have to develop for our community?

First, the differences in terms of racial composition between South Africa and Northern Ireland are not as stark in their consequences as at first might appear to be the case. In South Africa apartheid built a discriminatory political structure around different racial characteristics. Here too there are many aspects of life that do enable relatively rapid identification of a person's tribal roots — place of birth, name, residence, school attended, place of work all give clues to a person's community background. That is before matters such as beliefs, culture and politics are taken into account. Rapid identification of members of the ‘other’ community reinforce bigotry, stereotypes and discrimination in both traditions.

Second, whilst it is relatively easy to identify tribal roots, it is also the case that for many years, (in some cases in rural areas for many generations), Protestants and Catholics have been living closely together and have a deep familiarity of each other. Our small localised community means that anonymity is very difficult to achieve. There is often a detailed working knowledge within particular communities of history, family background, attitudes and beliefs and behaviours. This detailed local knowledge has been used on many occasions to enable the targeting and killing of people from the ‘other’ tradition.<sup>4</sup> Furthermore, wrongs against individuals are interpreted as attacks against family and community, exacerbating division and tension and reinforcing the possibility of retaliation.

Therefore our solutions must take into account not only the bitterness and division between our communities, but the intensely localised nature of that division. Reconciliation to the other community will involve families who have literally been at war with each other — who have killed or been killed — living side by side. It is in this light, that Dr Boraine's identification of the need for the establishment of an agreed truth is so important, but will be so difficult to achieve. It is important to recognise that the ‘collective amnesia’ of a society intent on denying the past simply will not work. Where protagonists who have killed each other live side by side we must establish some mechanism for enabling their future lives, in the same community, to be a possibility. We must also enable those families and individuals who have left communities, because of fear of attack, to return if they so wish.

### Freedom fighters and Defenders of the State

One other factor that relates to our particular community is the different roles played by those who have been involved in political violence. In the Protestant community, it has been traditional for men to join the security forces. From the Protestant point of view these are the legitimate forces of the State put in place to protect the community and defeat terrorism. In

<sup>3</sup> There are a small but significant ethnic minority groups; Chinese, people from the Indian sub continent and travellers. However, whilst there are serious problems resulting from racism and racist behaviour, the primary driver of civil conflict and division in Northern Ireland is not racial.

<sup>4</sup> This intensely localised community structure has led to often informal but highly developed mechanisms for regulating activities between the two communities. For example in rural areas the practice of only selling land within one's own tradition has a long history that does much to ensure continued division.

the Catholic Community it has been very unusual for men to join the security forces; rather many young men and women joined the IRA, perceiving themselves as freedom fighters, defending their communities from an aggressive, oppressive and discriminatory Unionist/British State. If we are to achieve an agreed truth, at least the perceptions of the other community have to be recognised as a reality if not the legitimacy of their actions. Again we must recognise how difficult that is going to be when we witness tensions and antagonisms about the definitions of legitimate victims.

### **Poverty, Racism and Sectarianism**

It is important to identify the extent to which poverty and wealth distribution has been a factor in the different political developments in South Africa and Northern Ireland. It is obvious that the level of absolute poverty in the black community in South Africa is of massive proportions compared to Northern Ireland. It can certainly be argued that until the 1970's there was gross discrimination against Catholics, resulting in much more serious levels of poverty than in the Protestant community<sup>5</sup>. There has been considerable change over the past thirty years with improvements in housing, the introduction, and firm application, of a range of equity legislation having a favourable impact on discrimination in employment. However, there is still a significantly greater number of Catholics who suffer from long-term unemployment.<sup>6</sup>

So in this respect there have been efforts made to address discrimination before the achievement of an overall political settlement. Whereas in South Africa the political settlement came first with the first truly democratic government of South Africa having to manage and resolve the consequences of 200 years of the racist discrimination of apartheid.

Racist attitudes in South Africa are mirrored by sectarian attitudes in Northern Ireland. Racism is generally considered to be a prejudicial attitude to individuals of a different group that is combined with power over that group. Those circumstances certainly applied under apartheid. In Northern Ireland it is clear that from 1921 to 1969 gross discrimination against Catholics was perpetrated by successive Unionist governments. Therefore there are strong parallels between South Africa under apartheid and Northern Ireland under Unionist control before 1969. Can we all recognise the significant improvements in Northern Ireland that have resulted from legislation that has addressed discrimination in housing, in employment and in countering sectarianism and discrimination?

But there is still a fundamental question as to the extent to which that sectarianism and discrimination has been addressed over the past thirty years. Will it be possible to develop a shared understanding, between Protestants and Catholics about the nature of Northern Ireland before 1969? Can both traditions grow to accept the view that Catholics experienced discrimination by the Unionist controlled Northern Ireland government from 1921 to 1969? Can both traditions also accept that there have been substantial improvements to the lot of Catholics because of anti-discrimination legislation introduced over the past 25 years?

It is important to note again that unlike South Africa, any progress that has been made in addressing discrimination has been made in the context of a lack of a political settlement. But if a truth finding process is to have any chance at all of achieving reconciliation, fundamental differences of view of our history must be discussed and reconciled.

Whilst there are many factors of similarity between the circumstances and politics of South Africa and Northern Ireland it is very important to recognise that there is a substantial difference in the political process. In South Africa, notwithstanding gross discrimination and

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<sup>5</sup> "Interpreting Northern Ireland", John Whyte. Clarendon Paperbacks, 1990.

<sup>6</sup> See "The Key Facts. Religion and Community Background in Northern Ireland. Population and Workforce". Published by the Fair Equality Commission. March 1995

poverty, a substantial black majority has managed to establish a workable democracy, based on the recognition of the rights of all individuals and minorities.

In Northern Ireland many factors that were caused or at least exacerbated by sectarianism and discrimination have been at least partially addressed in the absence of a political settlement. Unlike South Africa, we do not have one community with a substantial majority and we do not have new political structures (yet) or a political settlement. How do these differences inform the relevance of a Truth and Reconciliation Commission process for Northern Ireland? Of particular importance must be the extent to which we can establish mechanisms that lead to a level of agreement about the nature of the past, between and within our two communities.

These questions, that were often asked during the visit, identify fundamental issues that must be resolved if we are to take benefit from the South African experience and move on to our own agreed truth.

## What are the Differences?

What differences are there in the political process in South Africa and Northern Ireland and what does that mean for the work of an institution like the truth commission. Is our political process likely to benefit from something like the truth and reconciliation commission?

### The Different Political Context.

In South Africa a radical change of government resulted in a political climate whereby the vast majority of South Africans endorsed and supported the political settlement. Such a settlement was achieved in the context of inexorable national and international pressures that undermined apartheid. This process was greatly helped by the visionary leadership from both Mandela and De Klerk. Whilst there was an obvious direction in which politics moved, there were substantial and significant compromises made by both leaders.

In Northern Ireland, we still do not have a political settlement. Whilst there is considerable National and International support and pressure for a solution, other than the Good Friday Agreement, there is no clear option for achieving political progress. Do we have Northern Ireland leaders that appear to be willing to engage in the visionary kind of compromises achieved by de Klerk and Mandela?

Do both sides here still hold out hopes of being victorious? Is it only when it is clear who will have fundamental control of the political process that the kind of compromises we have seen in South Africa are likely to occur? Are we ever likely to achieve that kind of victory or clarity? Can we get beyond the double minority problem and achieve a political settlement where both traditions feel they have authority and some control over the political process and their own lives? Can we live together if we insist on the defeat of the other side?

### Establishing the Truth: A Commission or Inquiries?

There is no political or moral authority emerging yet from our political process to support an initiative like the Truth and Reconciliation Commission. If achieving an agreed truth is a necessary factor required to move society towards consensus rather than conflict, what can we put in place to achieve such progress?

Dr Boraine identified three ways of moving on from conflict:

- First, we can put the past behind us and engage in collective amnesia. But we should remember that victims do not forget. To ignore this revictimises victims. In South Africa this was not considered a viable option.
- Second, we can hold a series of trials or prosecutions. So alleged perpetrators would be charged and if found guilty penalised. Dr Boraine reflected that apartheid as a system had existed for many hundreds of years. Where, then would prosecutions begin and end? Would it be possible to reconcile different and conflicting communities if the resolution of that conflict involved punishment? He noted that many who opposed the settlement had access to arms and would want revenge for any punishment handed out. For all these reasons this option was not considered as appropriate. In terms of our situation in Northern Ireland it must be said that there are strong parallels.
- Third, to develop a restorative justice approach; to enable people to tell the truth so everybody knows what has happened; to contribute towards the development of a common history; who killed who and why? To have knowledge. To acknowledge what had happened and why it had happened; to establish accountability and responsibility for those actions and to enable some people to say sorry and to move on. All of this was reflected in the establishment of the Truth and Reconciliation Commission.

The Truth and Reconciliation Commission process in South Africa, was borne out of a political settlement. Whilst not all sectors of South African society trusted the new government, that government gave the Commission the authority and independence to carry out its task without interference. In Northern Ireland recent calls for independent inquiries into Bloody Sunday, the deaths of Pat Finucane and Rosemary Nelson are based on an overtly stated lack of trust of agencies of the State. Can a series of inquiries into particular incidents that have raised concern (from both traditions) play a role in establishing an agreed truth? Is this kind of process the only way forward when government is still not trusted by significant elements within the community? In the absence of a political settlement, and the associated lack of trust, can a series of inquiries produce the same kind of truth that the Truth and Reconciliation Commission sought and to a considerable extent achieved? Most of the current demands for inquiries and judicial hearings relate to alleged violence by the State. What of Unionist concerns of alleged abuse of human rights by paramilitary organisations?

The difference between the nature and role of the State in South Africa and Northern Ireland cannot be overemphasised. South Africa had a new State. We will have the same State, albeit working in a rapidly changing political environment in the UK, Ireland and Europe. That State must also be part of any truth finding process. It was difficult in South Africa to get perpetrators who acted on behalf of the State to give evidence<sup>7</sup>. Will it be even more difficult where the State authorities have not changed, for the State to give evidence? Does this again point us in the direction of a series of inquiries rather than a Truth and Reconciliation Commission? What does this indicate for the nature of those inquiries in terms of amnesty for witnesses, reparation of victims and relationship with the prosecution process?

Again the key question is how can the two communities and the State be engaged in a process where all are committed to transparency and truth telling?

Many see the current status of Northern Ireland as temporary, on the road to rather than having achieved a political settlement. How can we avoid a Truth and Reconciliation Commission, or an analogous process, becoming just another mechanism, for one community or the State engaging in political points scoring?

It is clear that any new process of truth telling must be accepted as legitimate by all Northern Ireland traditions, must be seen to be independent and must have sufficient authority to conduct its proceedings in a way which reinforces its independence.

In the absence of State structures that are accepted as legitimate by both communities, any process that is established in Northern Ireland before a political settlement is achieved would need to demonstrate its independence by its composition. Many discussants felt that a significant element of any body set up to identify truth here would have to come from outside Northern Ireland and include respected international figures.

In the absence of trust in State and government, what may be the role of our new political structures in establishing a truth process? Two elements seem to be important in examining the South African process.

First, there is no doubt that any process must be endorsed by the main political traditions and in this respect many aspects of the Good Friday Agreement do reflect a willingness to achieve agreement based on political compromise.

Second, non-government sectors have a crucial role to play. Under apartheid, NGO's and some elements of the churches provided essential mechanisms for challenging apartheid and

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<sup>7</sup> Of course many perpetrators did give evidence but significantly, many of those who controlled others and instructed others in killings did not appear before the truth commission in substantial numbers.

enabling individuals with political vision to grow, research, think, develop and operate effectively.

In Northern Ireland, the absence of democratic decision making structures over the past 30 years has been paralleled by a multifaceted and energetic community and voluntary sector. The experience of that sector must be channelled in support of a truth process.

In recent years we have seen the emergence of new structures of governance, involving employers, trade unions NGO's alongside politicians. For example, the District Partnerships have established new mechanisms for consensus decision making. The success of such structures in achieving consensus and in many respects challenging the sectarianism and division of the past must surely be harnessed to support and facilitate any truth finding process.

When the Assembly is established, perhaps the Civic Forum - that has similar cross sectoral membership to the District Partnerships – can have a significant role to play in exploring what is the way forward. This could involve both exploring options for progress and consideration of the Civic Forum as the authority under which such a process might be established.

## On Victims and Perpetrators

How can victims be supported ; who decides who are the victims? How can the needs of victims be met? Are the needs of victims and perpetrators opposed or can their needs be reconciled?

### 1. The Use and Abuse of Victims

“We don’t like victims”.

A psychologist discussing the process of a Truth Commission in Chile with Dr Boraine remarked that victims are not liked. Victims can challenge our allegiances, can be embarrassing in terms of reminding us of a past we may want to forget.

Dr Boraine said that it was important for us to challenge our beliefs that emerge from our allegiances, that we must learn to manage without the comfort of our own reference group. To achieve reconciliation first there must be acknowledgement of what has happened, who has suffered. All victims resulting from our conflict must feel able to talk of their victimisation in their own terms; their right to do so must be recognised by us all.

The fundamental project must be to enable victims to adapt to their changed circumstances. To enable this to happen victims must be heard. They must be afforded the time and the space to tell their story. Their memories must be acknowledged if they are to remember and move on.

The vast bulk of victims who came to the Truth and Reconciliation Commission reflected one fundamental requirement; the need to know what had happened to their loved ones. That knowledge can be very brutal and painful, but once told it can liberate the victim and enable life to go on as a survivor.

Dr Boraine described many cases that appeared before the Truth and Reconciliation Commission that told of awful brutality. For example, a policeman who revealed the last words of a victim before he was murdered; the same policeman ate and drank while the body of the victim burned in front of him.

Whilst there were many descriptions of such indifferent brutality, victims experienced such truth telling as providing closure. The longing for a proper burial and/or some visible memorial to those murdered did enable thousands of victims who came to the Truth and Reconciliation Commission to move on with their lives.

A Northern Ireland story reflected a similar point. A woman whose relative had been murdered without a perpetrator being brought to justice spends her life wondering about who killed her relative. She wonders about every man she meets — whether he might have been involved in her son’s murder. This can be a particularly profound experience in communities where the identities and lives of individuals are well known to each other.

Another Northern Ireland example described a family who had been told the identity of their brother’s murderer. This person, never convicted of the murder, died recently. In the small localised community, the family of the murdered person read of the death of the alleged murderer through a death notice in the newspaper. Whilst the death of their relative had occurred more than 20 years ago, the family had kept a careful watch on what happened to the alleged murderer. Only with his death was some sense of closure experienced.

Whilst we do not yet have a political settlement Dr Boraine argued that the hurt of the many thousands of victims cannot wait for a resolution. The work of identifying the processes that can address that hurt must begin immediately.

There is considerable similarity between the experience of victims in South Africa and Northern Ireland. The need for truth, to know what happened and to remember, are universal experiences. We must begin work immediately to address victims needs, we must also recognise that the lack of a political settlement has a significant impact on victims too

The report of Sir Kenneth Bloomfield, Northern Ireland Victims Commissioner, “We Will Remember Them”<sup>8</sup> that examined ways of addressing the needs of victims of the last thirty years of violence, reflects the complexity of this task. The overriding impression of this report is that there is as yet little agreement as to how victims should be supported or indeed who are the victims.

Similarly, on the question of whether Northern Ireland should have a permanent memorial to our victims the Report identifies that there was little agreement. The report notes; “There were those who regarded any programme of ‘recognition’ as a distraction from issues they considered more important, including the establishment of the truth and the bringing to justice and the condign punishment of those responsible for various crimes and atrocities. There were others who considered the first priority should be to look for a spirit of apology and repentance from those, whether Governments, parties, organisations or individuals who have done wrong.”

Also, within the community at the present time we are seeing the politicisation of victims and attempts by some to identify a ‘hierarchy’ of victims, with the “worthy” and “unworthy”. Therefore both the Bloomfield Report and continuing events demonstrate the centrality and complexity of addressing the victim question.

In the work of the Truth and Reconciliation Commission, it was clear that of fundamental importance to those who appeared before the Commission, was the need to tell their own truth in their own way. To this end it was important that the Truth and Reconciliation Commission was made as accessible as possible, for example, by holding hearings throughout the country in all communities and for the most inaccessible of communities.

It was also fundamental to the process that nobody was excluded; all victims were invited to tell their story, their individual truth. In that sense, the definition of ‘victim’ and indeed the nature of ‘truth’ emerged from the sum total of all the evidence given to the Commission. Dr Boraine’s identification of different kinds of truth, and dialogical truth in particular is important here.

A key question for us in Northern Ireland is how do we establish a mechanism that allows all people who see themselves as victims to tell their stories? Again the difference between the workings of the Truth and Reconciliation Commission and the nature of current judicial and independent inquiries in Northern Ireland may be instructive.

Separate inquiries do enable victims (and perpetrators) to relate their experiences about a particular incident or incidents. This may be more encouraging to victims than a hearing that allows conflicting testimony from groups and individuals in the absence of a political settlement to which most subscribe. On the other hand, separate inquiries by their nature of concentrating on specific incidents inevitably exclude many victims.

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<sup>8</sup> “We Will Remember Them.” Report of the Northern Ireland Victims Commissioner, Sir Kenneth Bloomfield KCB. April 1998. Stationary Office. Northern Ireland.

Dr Boraine argues that given the adversarial nature of such inquiries, they provide only limited scope for ‘truth telling’. In the end, victims are still left with many unanswered questions and hence are unable to move on. Would it be possible to have a dual process that enabled a series of inquiries for the most contentious incidents; (Bloody Sunday, Bloody Friday, McGurks Bar, the La Mon Hotel, Enniskillen, Grey Steel, Loughinisland, Omagh) together with an open Truth and Reconciliation Commission process for others?

Whilst we can explore different mechanisms we must allow all victims to tell their own truth. We must also put in place a process that will eventually allow those different truths to be seen as a shared truth.

We must also recognise, as in South Africa, that there will be opponents to whatever mechanism is put in place to establish a shared truth. We must be sure that we take this process forward in a way which gains maximum support. To begin a process that does not achieve broad support would be worse than having no process at all.

## 2. The Attitude of Victims to Perpetrators.

“We can create the opportunity for people to forgive but we cannot demand forgiveness”.

The Truth and Reconciliation Commission provided the opportunity for victims to hear the testimony of perpetrators, and identified the complexity of the conflict. The varied testimonies contributed to an undermining of a simplistic “heroes and villains” view of the conflict.

Victims did have to listen to horrendous descriptions of what had happened to their loved ones. However, victims in South Africa have shown a tremendous capacity for dealing with knowledge of the violence inflicted on them. Since the Truth and Reconciliation Commission hearings there has not been one incident of revenge against a perpetrator who gave evidence.

One victim who spoke to the Commission was a blind man in his thirties who as a child had been shot in the face at a demonstration by police. He told his story in great detail; six hundred spectators heard his testimony directly and, as with all the Commission hearings, it was regularly and widely reported in the media. When he had finished he was asked if he had any more to say. He replied:

“When I came to this hall I was blind but now I can see” This reflected the accounts of many victims’ experience of the Commission; “A stone has been lifted from my chest”; “The blackness has lifted from my eyes”; “I feel free”.

During our discussions, victims and victim groups spoke of the importance of knowing the truth; many also recognised that their victimisation was the consequence of a complex political conflict.

However, it bears repeating that the process of exposing the truth in small communities where victims and perpetrators live in very close proximity will require special thought and consideration.

It is also important to recognise that any process of truth telling will have to be comprehensive and put in place a process that will enable all communities and individuals to be recognised. A key indicator of the success of such a process will be that victims will not be

used and abused as part of an ongoing political conflict.<sup>9</sup> Demands cannot be made of victims; they must be free to tell their stories in their own way. Similarly mechanisms must be introduced into the process that ensures as far as possible that the accounts of perpetrators are truthful and accurate.

### **3. On the Compensation of Victims**

The Truth and Reconciliation Commission did have limited scope for compensating victims. This included for example small sums to enable victims to appear at the Truth and Reconciliation Commission – on a number of occasions victims were helped to buy wheelchairs or were helped in other ways with transport costs.

However, the general approach of the Commission to victim compensation was to make recommendations to the South African government at the end of the hearings about appropriate victim compensation.

Their recommendations have indicated that victims should receive 20,000 rand per year. Given the difficult financial circumstances and demands on government for resources, it is unlikely that the SA government will ever be able to accede to such a recommendation.

Dr. Boraine felt that it would have been more appropriate to have had the capacity to reasonably compensate victims as part of the ongoing Truth and Reconciliation Commission process; that the mechanism of making recommendations at the end of the process was not a satisfactory way of meeting victim needs.

In Northern Ireland we do have a system for victim compensation that many argue is generous, whether in the British or the European context. However, the Bloomfield Report,<sup>10</sup> that directly asked victims about their experience of compensation reported that many found the procedures, ‘complex, baffling, frustrating and on occasions, humiliating’.

This system is currently under review. It would be important that whatever new procedures are put in place, these should take into account the need for compensation to be viewed within the context of the recognition and support which the State and society as a whole gives to victims more generally. They must also take into account the expressed concerns and views of victims and victim organisations.

### **4. The Attitudes of Perpetrators to the Hearings and to their own Behaviour.**

“We must be thankful that those who wanted punishment did not take the law into their own hands”

Whilst many more victims (23,000) appeared at the Commission than perpetrators (8,000), the accounts given by perpetrators did tally with the stories of victims to a substantial degree. This was significant in establishing a truth that was accepted by all.<sup>11</sup> It was particularly important in terms of changing the dismissive and disbelieving attitudes of many whites. It was important that wrongs committed by black activists were also identified.

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<sup>9</sup> The struggle of relatives of the “disappeared” to be told what happened to their relatives and where they are buried, identifies the importance of a comprehensive approach like the Truth and Reconciliation Commission. A key element of whatever structure is established must be that it has a widely accepted authority to decide on the outcomes of the evidence presented to it. The demands from the IRA for a limited form of amnesty for these cases identifies that such matters must be agreed as part of an overall truth finding process.

<sup>10</sup> *ibid.*

<sup>11</sup> It emerged at the hearings that many of the whites involved in killing blacks as part of their role in the security services led double lives; in many cases their families were completely unaware of their activities at work.

Whilst many victims did accept the rationale and purpose of the Truth and Reconciliation Commission some did not. Many refused to appear because of their belief that perpetrators should be punished. At first there were fears that perpetrators who gave evidence may be under threat so a witness protection programme was established. This proved to be unnecessary as there were no threats made.

Whilst there was no requirement on perpetrators to express remorse, the achievement of amnesty for a full declaration of their crimes did result in some remarkable if horrific accounts. The process also enabled people to be aware of the motives and mindset of perpetrators. This too contributed to a more complete and shared truth.

It is certainly the case that there was some attempt by perpetrators to identify responsibility for their acts with their superiors who had given them instructions. However, as the Commission proceeded in its work it became clearer and clearer how both the institutional and individual racism of the security forces led to the deaths of so many.

The complexity of South Africa under apartheid and the way it influenced the activities of the security forces was laid bare. It was vital that some perpetrators in the ANC also appeared before the Commission. Central to the success of the Truth and Reconciliation Commission was that the process allowed for full disclosure by perpetrators. Anything less would have undermined the Commission's effectiveness.

In Northern Ireland, if we are to achieve our own truth through the establishment of a similar process, we will need a similar willingness of all parties to be transparent about their role and activities in our conflict. Considerable discussion and debate is now required to establish how all those involved in our violent conflict can be encouraged to participate and tell their own truth.

This must be one of the key elements that must be put in place if we are to move on. Currently all sides claim that their truth is the only truth; one would guess that in the telling, these separate truths are represented to suit a particular political objective; this applies to all parties in our conflict.

Considerable effort will need to be put into identifying how we can encourage truth telling. Political differences are likely to make achieving agreement much more difficult. In South Africa, the white controlled armed services agreed to participate on the basis of amnesty (they threatened to disrupt the whole process of democratisation if this was not provided). But their agreement was achieved because of the overwhelming support for political change. In Northern Ireland we have not reached that stage and participants from both the security forces and paramilitaries may see little benefit in truth telling. In public inquiries security force personnel have sought anonymity and this has been granted in the Bloody Sunday case. On the paramilitary side, the information about the disappeared was only given after special legislation was passed in both jurisdictions to ensure that any evidence from the bodies could not be used in a subsequent prosecution.

## On Restoration, Retribution and Amnesty

“To turn the page you first have to read it”

“Forgiving can only begin when people know who to forgive for what”

### The Place of Forgiving: Amnesty in Exchange for Truth.

The provisions of amnesty in the proceedings of the Truth and Reconciliation Commission were part of an essential political trade-off. Some senior and powerful army officers approached Mandela, indicating that there was much opposition to political change and the settlement. Amnesty ensured that they would not disrupt the political process. Political change is always about compromise. In agreeing to amnesty some very difficult compromises were struck.

In our own experience in Northern Ireland, the early release of politically motivated prisoners raised deep concerns within the community. But including prisoner releases in the Good Friday Agreement can be seen as part of the same kind of political trade off as took place in South Africa with amnesty.

Questions we must now ask are: to what extent will our community want or tolerate a process of disclosure that includes amnesty provisions? Should this be a blanket provision or should it relate to specific incidents? Is it possible to have a process of truth-telling without some protections in terms of future prosecutions? Will our government agree to work with an independent truth telling process that may identify serious crimes that were committed within the security services? Will paramilitary organisations agree to truth telling under any circumstances or will they still want to retain the capacity to engage in future armed struggle? (truth telling and sharing of intelligence could seriously undermine their capacity to do so).

However, to begin a process of truth-telling requires a commitment from all stakeholders, to be prepared to participate. In Northern Ireland it is impossible to envisage such a process even beginning without government demonstrating that willingness. Once that has happened, many things may become possible.

As this report is being written, we are experiencing a variety of initiatives that reflect a potential for change. The calls for and responses to demands for public inquiries have already been mentioned; the rapid introduction of Amnesty legislation to enable the problem of ‘the disappeared’ to be resolved may also reflect a flexibility and creativity to move the process forward. All of these initiatives must be examined to identify their significance in establishing a shared truth.

As the introduction to this section reflects, questions of forgiveness may remain unanswered and may never be possible but in any case must always remain the right of the individual victim. The possibility of forgiveness can only become a reality when the truth is known.

### The Relationship between Retribution and Restoration

How do you deal with people who demand revenge?

“Reconciliation is a process not a goal.”

It is only when we are in the position of having a shared truth that we can move onto the possibility of restoration. It is unlikely that a process that requires retribution can succeed in a community where blame for our conflict is rooted in antagonisms between two separate traditions, together with an involved, and from some perspectives, a culpable State.

Whether we can achieve restoration will of course depend on the success of the truth telling process and its relationship to other political events. The Good Friday Agreement reflects considerable consensus within the community for the need to move on from conflict into peace and, perhaps reconciliation. Whether the community, or at least a significant majority, of the community are prepared to support a truth telling process remains to be seen.

## Questions and Recommendations

All sides will have to agree that the process of truth telling is necessary. Perhaps the current process of demands for inquiries and the responses that are received provide some scope for an identification of the role and limits of such inquiries in the truth telling process. The alternative is interminable contested judicial hearings. Nevertheless any Truth and Reconciliation Commission process will require the endorsement of all political groupings. Some thought needs to be given to how this might be achieved and what factors will be required to establish a truth finding process. The following identifies the questions that have merged from this report and some possible recommendations that emerge from those questions.

### Questions for the Future

The questions, drawn from the week's discussion are listed under four general areas; Shared Understanding, Truth Telling, The Role of the Churches and NGO's and Achieving Change. The very first question must be answered before the other, more particular and detailed questions are addressed.

Are we convinced that a process of denial, of collective amnesia, will not work?

### Shared Understanding

- How do we ensure that we can establish a truth that is shared by all?
- How do we achieve the acceptance of the greatest majority of the community and all sections of society to a truth process?
- How can we transcend the idea of the 'legitimate victim'?
- Can a shared understanding of the events that occurred in Northern Ireland between 1921 and 1969 be achieved? Will this help the healing process?
- Can there be a shared understanding of the benefits that have accrued to both communities because of anti-discrimination legislation and practices introduced since 1970?
- What mechanisms can be put in place to achieve a shared understanding about the nature of the past in Northern Ireland?

### Truth Telling

- Can a series of inquiries into particular incidents play a role in establishing a shared truth?
- Would it be possible to have a process that included some inquiries for particularly controversial incidents whilst having a parallel Truth and Reconciliation Commission type process for other incidents?
- In the absence of a political settlement and the associated lack of trust can a series of inquiries produce a shared truth similar to that sought by the South African Truth and Reconciliation Commission?
- Where there has been no radical change in government how can the State be persuaded to tell the truth?
- What kind of rules should govern a truth finding process in respect of amnesty, reparation for victims and the relationship with the prosecution process?
- What kind of process is required to ensure that both main communities and the State are committed to a truth telling process?
- How can we ensure the independence of a truth finding process? What is the role of independent and international figures in such a process?
- How can we ensure that victims can tell their own stories, be heard and then move on?
- What role should the media play in supporting a truth telling process?
- How can we ensure that the stories of perpetrators are truthful?

- How can the wishes of victims and victim organisations be taken into account when designing a truth finding process?
- How can we ensure that all those involved in violence, on behalf of the State and paramilitary organisations, participate and tell the truth?
- Will our community be prepared to tolerate an amnesty provision? Should this be a blanket provision or relate to specific incidents?

### The Role of the Churches and NGO's

- How can the church be encouraged to reflect a position on our conflict based on universal theological truths rather than narrow community mores?
- What is the role of the church in transforming our own community? What relationship should the church have to politicians and political change?
- How can the church be persuaded to be a reasoned but critical voice, of it's own community first before they look to the faults of the other community?
- Does the NGO sector have a special role to play in establishing a truth finding process?
- Will the Civic Forum have a particular function? Could the Civic Forum be seen as the body that gives a truth finding process it's authority or it's independence?

### Achieving Change

- Are there special needs we have to recognise of young people who have been raised in conflict and know no other way of life?
- Are the special needs of ex-combatants addressed; are their special criteria required for a truth process that enables ex-combatants to leave the struggle behind them?
- What special measures are required to deal with our intensely localised conflict?
- Is one touchstone of success the ability of many people to return to the communities that they left because of fear of violence and death?
- How can we achieve a change that removes the sense of the need to defeat the other side?
- How can we all learn to challenge our own allegiances, to manage without the comfort of our own reference group?
- How can we begin a process of healing in the absence of a political settlement? What are the steps we must take; what is our goal? Is this completely independent of the political process or are they intertwined?
- How can we avoid the dangers of those who want to identify the 'true' victims, to establish a hierarchy of victims with the worthy and unworthy?

## A Response by Alex Boraine

I write this response against the depressing news that the Peace Plan has collapsed and I can understand how disturbed and depressed may of you are. I think very deeply of your beloved country and I remind you that the South African process to peaceful negotiations was often aborted and sidelined and the only advice I can offer is that you dare not give up and there is hope in action.

To both Unionists and Nationalists, I send you the words of the Polish activist and co-editor of the foremost newspaper in eastern Europe, Adam Michnik. He spent years in prison under the Communist regime in Poland and spoke with deep feeling when he was with us in South Africa. “The image of the enemy is a moral and political burden because you are negotiating with someone whom only yesterday you called an oppressor, a murderer or a terrorist. You promised your followers that this person would be severely punished as a reward for the oppression they had lived through. Your followers, meanwhile, are telling you justice requires punishment. They ask: ‘How can you negotiate and talk to a person who is responsible for all the disasters of our people?’ .....I am negotiating because I have chosen the logic of peace and abandoned the logic of war. This means my enemy of yesterday must become my partner and we will both live in a common state. He may still be my opponent but he is an opponent within peace, not within war”.

In Northern Ireland and in South Africa we simply have to learn to live together, otherwise we will continue to kill one another. That is the stark choice. We don’t have to like each other, but we have to coexist with mutual respect.

I hope that good sense will prevail and that the next steps towards a joint Executive and decommissioning will take place and that peace will break out in your beautiful country.

## Ideas for the Future

Following the production of a draft report, all groups who participated in the visit of Dr. Boraine were asked to a meeting to consider the final draft of the report and any possible recommendations. The group identified the following;

- It is far too early to make firm recommendations about a truth finding process. We are still at the stage of continuing discussions to explore what are the parameters within which we might establish a truth finding process.
- This report should be used as the basis of further discussions with stakeholders.
- The notes of the meetings that Dr Boraine had with groups should be shared separately with those groups as well as this report.
- Some thought should be given as to how groups can be helped to share their own view of truth with others.
- A small working group should make final amendments to this report and begin the process of developing discussion. The group should consider how a process of discussion might be resourced and structured.
- All groups who took part in the initial discussions should be included in the ongoing discussions. The report should also be discussed with political parties, District Councils, District Partnerships and the Churches.
- Finally it was noted that the report was an important document which must be used to begin a detailed and representative process of discussion and development of how truth may be explored.

## Appendix

Organisations and individuals who met Alex Boraine.

Aisling Centre	Northern Ireland Assembly (The Speaker)
Archway (Bogside and Brandywell Residents)	Northern Ireland Association for Mental Health
Ashley Primary School	Northern Ireland Association for the Care and Resettlement of Offenders
BBC	Northern Ireland Council for Voluntary Action
Belfast Institute of Further and Higher Education (Counselling course)	Northern Ireland Office
Belfast Telegraph	Northern Ireland Voluntary Trust
Bloody Sunday Group	Prisoners Group
Bloody Sunday Trust	Parades Commission
Bogside Residents Group	Pat Finucane Centre
Carr Communications	Patten Commission
Church of Ireland	Peace and Reconciliation Group
Churches Criminal Justice Group	Presbyterian Church
Committee on the Administration of Justice	Remember and Change Group:
Community Relations Council	Roman Catholic Church
Community Restorative Justice	Royal Ulster Constabulary including the Chief Constable
Cooper-Keaney Communications	Samaritans
Corrymeela	Saville Inquiry Wounded
Cúnamh	Secretary of State for Northern Ireland
Department of Foreign Affairs, Irish Republic	Tir Abhaile
Department of Mental Health, Queen's University Belfast	Touchstone Group
Diamond Trust	Tullyalloy Development Association
Downtown Radio	Ulcan
Extern	University of Ulster at Jordanstown
Fortnight	University of Ulster Social Work Department
Irish Commission for Prisoners Overseas	Victim Liaison Unit
Irish Congress of Trade Unions	Victim Support Northern Ireland
Irish News	Wave
Lord Mayor, Derry City Council	Victims' Commission
Mediation Network	Waterside Area Partnership
Methodist Church	West Belfast Partnership Board
New Routes Group	Women Together