
By Oupa Makhalemele*

The unfinished process is a festering sore in our collective life – one which may bear consequences for us for a long time into the future and may leave us with major regrets that we failed ourselves and our country and its people. This failure represents a break in trust between a leadership and its people – a trust that can only be earned when promises made are promises kept.¹

A. Introduction

This chapter highlights the views of survivors of the Apartheid regime about the R 30,000 reparations granted by the South African Government. This money was granted to those identified as survivors² of gross human rights violations by the South African Truth and Reconciliation Commission (TRC). The views expressed by twenty survivors of gross human rights violations living in the Vaal townships,³ south of Johannesburg, demonstrates the frustrations experienced by survivors in persuading the Government to effectuate a comprehensive reparations policy. This study was the first impact assessment reflecting on the detailed needs of the survivors since the grants started being paid out in 2003. The chapter argues that by failing to consult with survivor groups before deciding on the final amount of reparations, the Government wasted an opportunity to learn about

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² The term ‘survivor’ is used to describe both the direct victims of abuses as well as the surviving relatives of victims who have died.

³ The Vaal townships include Sebokeng, Sharpeville, and are located in the southern part of Gauteng Province.
the different needs of survivors, which would have helped it in designing a more comprehensive and effective reparation policy. The chapter also characterises that failure as a lost opportunity for Government to mend a difficult relationship between itself and survivor groups, including NGOs and other stakeholders lobbying for reparations.

B. The Government’s Reparations Programme

1. Background

In April 2003 the President of the Republic of South Africa announced the one-off payments of government grants of R30,000 to each of the approximately 18,000 survivors named by the TRC. Many, including survivors, civil society organisations and most of the commissioners who presided over the TRC, were disappointed by this announcement. The main complaint was the lack of proper consultation with relevant stakeholders before deciding on the amount. The Centre for the Study of Violence and Reconciliation (CSVR), an NGO which has done extensive research on the TRC, wrote in a press statement that by failing to involve survivors, parliament had embarked on a process that was “neither participatory nor inclusive”. The CSVR noted in its submission to the Ad Hoc Committee on Reparations that the Government had over the previous four years refused to submit a policy on reparations for public debate. This has robbed the Government of the opportunity to draw useful information to inform a comprehensive reparations policy. Despite several attempts to engage the TRC Unit on its obligations and progress thus far, the Unit has failed to explain itself to these key stakeholders.

There is evidence that reparations may not have ranked high in the Government’s priorities during transitional negotiations. This can be linked to the context within which the Promotion of National Unity and Reconciliation Act of 1995 was promulgated. The negotiations that culminated in the Multi-Party Negotiating Process began in an environment of high political instability and state-sponsored violence. It became important to appease the incumbents as the protagonists wished to secure a stable transition. Thus granting amnesty to perpetrators of gross human rights violations became a priority. Dullar Omar later said this about the strategy:

Now [granting amnesties] was very important because we were in effect asking the apartheid government to give up power, and we could not say to it at the same time

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6 Id.
7 The Act that established the TRC, also referred to as “the TRC Act” in this Chapter.