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# New Paradigm for South Sudan: The Christian Contribution to the South African TRC

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A thesis submitted in partial fulfillment of the requirements for the degree in Master of Arts

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The Christian Contribution to the South African TRC

By

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Master of Arts in Theology

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## Abstract

The South African Truth and Reconciliation Commission (TRC) was one of the most successful truth commissions of the twenty-first century. This thesis presents an analysis of Christian involvement in the South African TRC, with a view to suggesting how the South African experience might be adapted by the Churches in the South Sudanese situation. A contextual analysis of the information available on the South African TRC identifies certain elements that could help South Sudan achieve peace and reconciliation, proposing that the South African model of reconciliation may possibly work well in South Sudan. It maintains, however, that for it to work in the South Sudanese situation, certain requirements will need to be met. These include the public transparency of its processes, the non-interference of political actors in its proceedings and procedures, and a clear commitment to the idea that any reconciliatory process must be a community-centred exercise. The Churches of South Sudan, it is argued, can have an important role in fostering such values in the South Sudanese process, and so in moving the country towards peace.

### Keywords

Reconciliation, community, truth, amnesty, ethnic rivalry, nationality, social reconstruction, distributive justice, theology of reconciliation.

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## Chapter 1

### 1 Introduction

South Sudan emerged in 2011 as the world's newest state. Its independence, however, came after a massive loss of lives and livelihoods for all communities in the region. South Sudanese are happy that they have achieved independence, but the freedom they have attained has not produced meaningful co-existence between communities to live in peace and build a variable and stable state. The eruption of conflict in South Sudan before its third independence anniversary is an indication that the country needs to do more to reconcile its diverse communities in order to realize the benefits of freedom.

Despite the current troubles South Sudan is facing, hope for a better future for its citizens is not lost. Recent developments in conflict resolution mechanisms to address problems related to wars and civil Strife in many troubled spots around the world can be drawn upon, and it is important for the government and civil society, including church institutions in South Sudan, to examine the potential benefits of these developments for peace building in the new nation. A growing interdisciplinary field of study in peace and conflict resolution devoted to these developments, "Transitional Justice and Post-conflict Reconstruction," speaks of both judicial and non-judicial steps that can be taken to redress grave human rights violations. Such strategies have emerged as collaborative initiatives in reconciliation and peace building in some parts of the globe. In many cases, the Christian churches have been collaborating with other institutions in conducting this process to foster a durable peace. This collaboration of the churches has occurred in places like South Africa, Rwanda, and some countries in South America, just to mention a few.<sup>1</sup> It has also happened in Canada, where judicial process and religion have met to redress, for instance, the historic wrongdoings of the Native Residential Schools

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1. Daniel Philpot, "What Religion Brings To the Politics of Transitional Justice." *Journal of International Affairs* 61, 1(2007): 93-XIII.

policy.<sup>2</sup>The working assumption of this thesis is that, since such collaboration between church and state to promote peace and social harmony has occurred in those other countries, it can take place in South Sudan too.

In fact, the South African transitional experience offers to the world and to Africa in particular, new opportunities of collaboration between religious and secular institutions. This ought not to be surprising. The search for peace and reconciliation, where there have been conflicts affecting major segments of the society, ought to unite the churches and states to build better societies. In South Africa, for example, aspects of the historic conflict involved, at times, misguided religious convictions, and it was accordingly important that religion was part of the solution there. Although the collaboration between the church and state in South Africa proceeded well in achieving peace, no one is certain if the same thing is possible in other parts of Africa. Nonetheless, the possibility exists that politicians in Africa would continue to allow religious groups to participate in resolving difficult social challenges facing Africa today.

The difficult social and political challenges facing Africa today include many civil wars in different parts of the continent. The current conflict in South Sudan, which recently emerged from a bitter and prolonged civil war with Sudan, is one of these challenges. Now, South Sudan has been plunged into another war between the rival factions of the ruling party, the Sudan People's Liberation Movement, due to political and social problems, which include the absence of the rule of law and of a stable governmental system in the new country.

A key opportunity for South Sudan to address its current issues would be for it to examine the ways in which South Africa is dealing with its political issues and try similar

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2. Truth and Reconciliation Commission of Canada and Canadian Electronic Library, *Truth and Reconciliation Commission of Canada*. Winnipeg, Man.: Truth and Reconciliation Commission of Canada, 2012.

strategies to manage the challenges it has at hand. It will, however, require cooperation between church and the state to build up the norms of modern society in South Sudan.

## 1.1 Objectives

This thesis suggests that the Christian contribution to the South African TRC can be a possible model for South Sudanese churches to promote peace and reconciliation in the country. The argument focuses on two basic objectives. The first objective of the thesis is to look into the ways in which the churches in South Africa influenced the process of decision making in the implementation of the South African TRC, as part of conflict resolution in that country. The South African TRC has gained international recognition as a model of a successful truth commission, and this success of the South African TRC may have great potential to influence situations in other African countries, which are struggling to foster reconciliation as a means of addressing the deep societal problems they are encountering. A significant part of this study will accordingly be devoted to elements of truth, reconciliation, and amnesty in the South African TRC to inform the South Sudanese situation on how to build societal confidence in the reconciliatory process.

The second objective is to identify elements in the South African TRC that may help South Sudan in its quest for the reconstruction of the kind of social truth that upholds national unity. A social truth is the ability of the citizens of any nation to understand and accept their differences and similarities to maintain social stability. I shall argue that South Sudan would benefit tremendously in this respect from the South African experience of the reconciliation process. The South African TRC was a local initiative, which brought together the political establishment and civil society, to build a reconciled nation out of the ruins of the Apartheid regime. If South Africans — blacks, coloureds, and whites — could manage their differences, find amicable ways to resolve their conflict, and live peacefully in one diverse nation, then the communities in South Sudan, who have much in common in terms of ethnic identity and cultural heritage, should be able to manage their differences and live in peace. They certainly could do better than

what they have now. The things that South Sudan may learn from the South African experience of reconciliation process will be the subject of discussion in the last Chapter of this study.

This thesis will answer a number of questions. First, is the reconciliation process working in South Africa? Second, what has changed, and what has the reconciliation process achieved in South Africa since Apartheid officially ended in 1994? And lastly, what can South Sudanese churches learn from the South African experience so that they may work with political organizations in the country to begin meaningful reconciliation process to promote peace and national unity?

As I answer the questions posed in this thesis, I will explore the concept of transitional justice and post-conflict reconstruction — its background and theoretical foundations, in line with its development and its application in different post-conflict situations including South Africa. The specifically theological influences that made great impacts on the South African situation will also be examined. These influences comprise the theology on which the theologians drew in the struggle against injustice in South Africa. This includes the theology of Karl Barth that discusses the concepts of truth and reconciliation as major parts of Christian vocation.<sup>3</sup>

## 1.2 Methodology

The collection of information for this thesis happened in two ways. The first phase dealt with the collection of materials from libraries and other sources, which form the body of literature dealing with the theme of reconciliation and post-conflict situations. The first phase of gathering information, which took me to different libraries, constitutes the foundation of this research. The collection of information from libraries is important because there are materials available in libraries that deal with the theme of religion and conflict resolution. These materials explore Christian theological teachings and other works related to interdisciplinary studies, which cover the field of transitional justice and

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3. Karl Barth, *Church Dogmatics* V/II & V/IV.

post-conflict reconstruction. These materials also contain relevant social theories this thesis draws on as part of historical and social information necessary for analysing this work.

The second means of collecting information was through a field visit that I conducted in South Africa. I visited some important historical sites and libraries, which took me to Stellenbosch and Robben Island, places that have played an extraordinary role in the modern history of South Africa. Stellenbosch was one of the oldest European settlements in South Africa. Robben Island, on the other hand, was the maximum prison for political opponents of Apartheid. It is the place where Mandela and others spent most of their prison terms before the end of the Apartheid. It has now been turned into a historical museum.<sup>4</sup>

The field visit that I conducted in South Africa took place between June and August 2014. It was designed to help me experience social conditions and understand the ways in which the people in South Africa interpret and perceive the idea of truth, reconciliation, and its benefits to their society. It also offered me the opportunity to see the country at first hand, so as to understand the stage that the reconciliation process in South Africa has reached. I attended events related to reconciliation process in South Africa, which is the Nelson Mandela twelfth annual lecture. It ran for two consecutive days at Cape Town City Hall and the University of Cape Town. Both gatherings were addressed by the Chilean President and other public figures. The special efforts Chile and South Africa had made in promoting reconciliation were major themes of the events.

The contents of this experience are briefly analysed in conjunction with the available literature on the South African TRC. Hence, contextual analysis of primary and

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4. Fran Lisa Buntman and My Library, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge, UK; New York: Cambridge University Press, 2003); Clifford Shearing and Michael Kempa, "A Museum of Hope: A Story of Robben Island." *Annals of the American Academy of Political and Social Science* Vol. 592, Hope, Power and Governance (Mar., 2004), 62-78; Pamela Scully, "Criminality and Conflict in Rural Stellenbosch, South Africa, 1870-1900." *The Journal of African History*, Vol. 30, No. 2 (1989), 289-3.

secondary sources dealing with the South African TRC and the situation in South Sudan is the method that guides this work.

A note on the question of literature may also be appropriate at this point. It needs to be said, first of all, that literature on the historical and social developments in South Sudan is available only in fragmentary form, and consequently, it will be necessary to trace it from scattered sources. On the other hand, since the literature on the South African TRC is so vast by comparison, whereas the literature on South Sudan's situation is scattered all over the history of Sudan, there is no specific section devoted to a literature review in this thesis. Instead, literature will be reviewed as required by the thematic context of the varied phases of the argument of the thesis as a whole.

The two methods of collecting information I have chosen have allowed me to examine the primary and secondary sources of my information closely and to analyse their contribution to my thesis. This historical, contextual analysis of sources has opened the way for the possible application of social reconstruction theories that I have selected to use in this study. The point is to look into the ways in which the South African Churches helped the country to reconstruct its social identity, and to explore the national discourse that made it possible for South Africans to pursue peace, reconciliation, and national unity as pillars of a better and stable society. In doing so, the thesis will also draw on the current literature concerning transitional justice and post-conflict reconstruction in its theoretical treatment of fundamental justice. It will, finally, propose ways in which South Sudan may turn to the South African experience of reconciliation and justice to make national unity a priority, and so build a better future.

## Chapter 2

### 2 The Background of the South African Truth and Reconciliation Process

The South African truth and reconciliation process began as a political undertaking between the African National Congress (ANC), the then-ruling National Party (NP), and other political actors to end the Apartheid system in South Africa, but it involved Christian churches and their leadership in its implementation. Since Christian leaders in South Africa led the proceedings and hearings of the Truth and Reconciliation process, Christian ethics became a major part of the reconciliation exercise. Because Christianity made a major contribution to the reconciliation process of South Africa, and because one of the major sources on which many of the Christians involved drew in that process was the theology of Karl Barth, this chapter and the next two chapters examine the background of truth and reconciliation process of South Africa largely in the context of Barth's "Theology of Reconciliation,"<sup>5</sup> in conjunction with the work of other Christian theologians.

#### 2.1 Truth and Reconciliation in South Africa

This section and the rest of this chapter will examine the historical and theological genesis of the events that culminated in the South African TRC. Though no full account of the question is possible within the limits of this thesis, it touches on the history of the Apartheid system, with a particular view to the theological responses it generated. In addition, the argument highlights the Barthian theological influences in the fight against racial segregation in South Africa, and in so doing examines Barth's understanding of truth and unity.

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5. Note: the theology of reconciliation is a major theme of Barth's volumes on Church Dogmatics.



The introduction of Apartheid into South African society not only brought about political and social instability in the country, but also involved a particular series of religious commitments that must be seen as questionable. Irving Hexham has highlighted not only the “Afrikaner nationalist movement” but also the religious ideas that it espoused as a major factor in what brought the system of racial segregation into existence in South Africa.<sup>6</sup> The Afrikaners established a unified front to protect their political and religious interests in South Africa. On the political front, they were fighting against British imperialism, while on the religious front the Calvinist doctrine of “election” occupied an important place as a Reformed theological idea that influenced the Afrikaners’ views about local African communities— whereas the Afrikaner community was favoured by God on the basis of election, the local African communities were judged to be not so favoured.<sup>7</sup> Tracy Kuperus further suggests that the Afrikaner nationalist religious leadership “developed the theology of Apartheid” in the 1930s and 1940s using selected biblical texts by which they regard for themselves as a people set apart by God was sacralised, while divine warrant was claimed for the idea that they should not mix with black Africans or people of Asian origin in the country.<sup>8</sup>

However, it ought to be noted that theology and politics were not the only factors that gave rise to the Apartheid system in South Africa. A peculiar corruption of Darwin’s scientific theory of evolution, common at the time, also encouraged the negative ways in which European settlers in South Africa viewed indigenous communities, whom they

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6. Irving Hexham, *The Irony of Apartheid: The Struggle for National Independence of Afrikaner Calvinism Against British Imperialism* (Vol. 8. New York: Edwin Mellen Press, 1981), chapter 1.

7. Tracy Kuperus, *State, Civil Society, and Apartheid in South Africa: An Examination of Dutch Reformed Church-State Relations* (Houndmills, Basingstoke, Hampshire U.K.: Macmillan Press, 1999), 4-5; Martin Prozesky, *Christianity Amidst Apartheid: Selected Perspectives on the Church in South Africa* (Houndmills, Basingstoke, Hampshire England: Macmilan Press, 1990).

8. *Ibid*, 5.

considered as “inferiors.”<sup>9</sup> It was out of this evolutionary theory that there later emerged in Europe “social Darwinism,” which “was used to justify racial inequality or class distinction” in Europe and other parts of the world by European imperial authorities.<sup>10</sup> Social Darwinism, as part of European intellectual development, made a major contribution to race relations between Europeans and Africans.<sup>11</sup> One of the peculiarities of the situation is that while Darwinism as a purely biological theory might have been seen as suspect by religiously conservative Dutch Reformed, this corruption of Darwinism appears nevertheless to have found its way into the political and theological considerations of the Dutch Reformed Church, which nurtured the idea of racial segregation in every aspect of human existence in South Africa.<sup>12</sup> Thus, those ideas could have given the Afrikaner political and religious leaders every reason to oppose racial equality in South Africa. It was against this historic cultural background that South African TRC was established to end racial inequality and facilitate a political transition from Apartheid to democracy.

The Truth and Reconciliation process began in South Africa after the political players in the country realized that ethnic rivalry, racial segregation, and the violence they had produced were unsustainable, and that anything less would not solve the issues South Africa faced. The release and the subsequent election of Nelson Mandela as the first black South African president in 1994, of course, set the reconciliation process in motion. There is not scope for a complete discussion of the history of the TRC within the limits of this thesis, but it is important to observe that one of the hallmarks of the South African TRC was its focus on the community as the guardian of the truth and reconciliation desired. Its community-centred approach gave it a unique character and possibly led to its

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9. Greta Jones, *Social Darwinism and English Thought: The Interaction between Biological and Social Theory* (Vol. 20 Brighton, Sussex: Harvester Press, 1980), chapter VIII.

10. *Ibid*, 158.

11. Kuperus, *State, Civil Society, and Apartheid in South Africa*, 40

12. Erik Doxtader and Philippe-Joseph Slazar, *Truth and Reconciliation in South Africa: Fundamental Documents* (Claremont; South Africa: New Africa Books, 2007), 37.

relative success. Govier Trudy has articulated this focus on the community as stemming from Desmond Tutu's philosophy of Ubuntu, which affirms that people exist because there is a community.<sup>13</sup>

According to Pablo De Greiff's reparations, the main purpose of the Truth and Reconciliation Commission in South Africa was to achieve "national unity."<sup>14</sup> National unity took precedence over other issues because the Apartheid system had destroyed the sense of common national identity among South Africans through, as Kenneth Christie has put it, "violence that generated hatred and fear."<sup>15</sup> For this reason, South Africans were encouraged to place the interest of national unity above everything else.

Nonetheless, national unity was not going to emerge on its own. It had to come as part of a reconstruction of the truth in South Africa. The concept of truth, as used in this sense, was linked to what all South Africans believe as part of what glues them together as a nation. The one thing that could glue South Africans together as one nation is the idea, asserted in direct contradiction to the theoretical and theological basis of Apartheid, that all South Africa's citizens share a common humanity. This assertion of a common humanity alone could allow them to build a unified political and civil community. This moment arrived after a long struggle against the Apartheid regime, and, as has been said, it directly contradicted the claims of Apartheid.

South Sudan also needs a moment like this, one that contradicts or challenges political corruption and ethnic groups' rivalries in favour of a common human identity and the goal of national unity.

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13. Trudy Govier, *Forgiveness and Revenge* (London; New York: Routledge, 2002), 96; Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston, MA: Beacon Press, 1998).

14. Pablo De Greiff and International Center for Transitional Justice, *The Handbook of Reparations* (Oxford England; Toronto: Oxford University Press, 2006), 773.

15. Kenneth Christie, *The South African Truth Commission* (Houndmills, Basingstoke, Hampshire: Macmillan, 2000), 95.

## 2.2 Theological Responses to Apartheid

The responses of the churches to the Apartheid system in South Africa came in different forms. For instance, the Dutch Reformed Church in South Africa, as mentioned above, supported and sponsored the Apartheid regime theologically. The teaching of the Dutch Reformed in South Africa was that God created different races that were intended to be kept separate in distinct “orders” of creation, and those differences became, in many ways, the bases of categorization of citizens in the country.<sup>16</sup> This was, in fact, the official stand of the Dutch Reformed Church in South Africa throughout the Apartheid era, but the majority of Christian communities in South Africa expressed their opposition to the system of racial segregation and considered it as a challenge to core values of Christianity.<sup>17</sup>

Jaap Durand has provided a useful analysis by comparing the theological models of Abraham Kuyper and Karl Barth in relation to church and state in South Africa under Apartheid.<sup>18</sup> Kuyper, of course, belongs squarely within the broad tradition of Dutch Calvinism, and according to Jaap, it was Kuyper’s model that had a greater influence in the country, encouraging the church to remain “silent” in matters concerning social justice. On the basis of this stance, it delegated questions concerning social justice in the country to those of its membership who were politically active in the “secular” sphere among Afrikaner nationalists, a strategy which in some ways encouraged racial segregation to flourish in South Africa unchecked.<sup>19</sup> In this way, as Kuperus has suggested, the Apartheid system assumed both a political and a religious character in

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16. Kuperus, *State, Civil Society, and Apartheid in South Africa*, 43.

17. “The Kairos Document: A Theological Comment on the Political Crisis in South Africa.” *Cross Currents* 35.4 (1985): 367-86.

18. Jaap Durand, “Church and State in South Africa: Karl Barth vs. Abraham Kuyper” in *On Reading Karl Barth in South Africa*, ed. Charles Villa-Vicencio (Grand Rapids, Mich.: W.B. Eerdmans Pub. Co., 1988), 126-128.

19. *Ibid*, 129.

South Africa, which made it difficult for people to unite and mingle as members of Christian communities.<sup>20</sup>

Stern opposition to Apartheid in South Africa came, however, from different Christian leaders in the country. One of the leading opponents of Apartheid in the final years of Apartheid was Alan Boesak. Boesak regarded Apartheid as not only “evil ideology” but also “as a pseudo-religious ideology,” which “denies the truth that all human beings are created in the image of God.”<sup>21</sup> Boesak’s description of Apartheid as evil and pseudo-religious ideology underlines the unjustifiable use of religion to divide South Africans on a racial basis. Boesak himself is a Reformed (though not an Afrikaner) theologian who has worked largely in the tradition inspired by Karl Barth. The response that came from the wider black Christian community, however, followed much the same line. It vehemently rejected the system of racial segregation. Black Christians opposed Apartheid because it divided South Africans on principles that could not be supported by any sound theological teachings. The opponents of the Apartheid system were convinced that they were justified in their opposition, and that not condemning the Apartheid system would amount to condoning its racial policies. The rejection of the Apartheid system by many Christian communities in South Africa represented the church’s prophetic stand against social injustice.<sup>22</sup>

The “signature” collective Christian voice against the Apartheid regime appeared in 1985 in a document known as “The Kairos Document.”<sup>23</sup> The Kairos Document was not a document produced by a particular Christian group but by many South African

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20. Kuperus, *State, Civil Society, and Apartheid in South Africa*, 5.

21. Alan Boesak, “He made us all, but...” in *Apartheid is a Heresy*, eds. John W. De Gruchy, and Charles Villa-Vicencio (Cape Town, Johannesburg: David Philip, 1983), 2-3; Charles Villa-Vicencio, *Walk with Us and Listen: Political Reconciliation in Africa* (Washington, D.C.: Georgetown University Press, 2009).

22. Villa-Vicencio, *On Reading Karl Barth in South Africa*, 129.

23. “The Kairos Document: A Theological Comment on the Political Crisis in South Africa.”

Christians, including ordinary laypeople as well as Christian leaders, who took seriously their Christian duties to respond theologically to political crisis in the country. What was important about The Kairos Document was that it challenged not only the theological basis claimed for Apartheid, but also the lukewarm theological responses of the churches to racial segregation in South Africa. In the document, the line between what the churches could not do or say concerning the political situation of South Africa under Apartheid system was clearly drawn. The document asked the churches in South Africa not to stand “neutral” or remain “divided” in the face of “injustice against the oppressed in South Africa.”<sup>24</sup> They had to make a stand by opposing all the forms of injustice that the Apartheid system had brought to South Africa. Subsequently, most of the churches took a stand and became part of the reconciliation process that ended the apartheid regime.

Another prophetic theological voice, who opposes Apartheid and who has never doubted that the system of racial segregation is wrong and false, is Desmond Tutu. Tutu, like Boesak, challenges any theological justification of racial inequality and has maintained that the falsehood of Apartheid is that it denies the biblical truth that all human beings are children of God, and as a result, it denies the reconciliation of humanity with God achieved through Jesus Christ.<sup>25</sup>

### 2.3 Barthian Theological Influences

As has already been observed, one of the theoretical resources the theologians opposing Apartheid were using in the South African context was the work of the Swiss Reformed theologian Karl Barth (1886-1968). Barth’s theological position leads to an ethic that strongly rejects any human action that deprives other human beings of their dignity, or that erodes the fundamental importance of our co-humanity and the social value of

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24. “The Kairos Document: A Theological Comment on the Political Crisis in South Africa.”

25. De Gruchy and Villa-Vicencio, *Apartheid is a Heresy*, 40.

human solidarity. Ultimately, Barth's ethics derives from his Christological views, according to which God and humankind are reconciled in Jesus Christ, whose one humanity serves as the true ground of human unity. As a result, any action that divides people on the basis of race or social status does not only divide our common humanity but it also weakens the relationship with God that is implicit in the claims of the gospel concerning Jesus Christ. Indeed, any position — whether religious, economic or political — that sets up a division between one humanity and another is seen as an example of “the falsehood of man” that denies the truth, the truth being ultimate unity between God and humankind, and all humanity, in Jesus Christ.<sup>26</sup>

Barth's theological work was influential in the debate about Apartheid through the anti-Apartheid era and beyond. Barth, who is arguably the most important theologian of the 20<sup>th</sup> century, was important in South Africa for a number of reasons. First, he was a Reformed theologian. South Africa is a county in which Reformed tradition is very important. Second, his sheer influence meant that theologians beyond the Reformed tradition had also read his work. Third, as we have seen, one of the major themes that derive from Barth's theology implicitly contradicts Apartheid, namely, the theme of unity.

While Christology is at the centre of Barth's theology of unity, it is also possible to describe it through other Trinitarian categories. John Webster, for instance, has explored the theme of unity in Barth's theology using pneumatological categories. He points out, for instance, how “Barth's sees the work of the Holy Spirit as communal in content.”<sup>27</sup> The Holy Spirit functions within the Trinitarian relationship by coordinating all elements of God's activities in relation to creation. This coordination also extends to Christians in a special way. It brings them into an everlasting “communion and fellowship with Jesus

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26. Barth, *Church Dogmatics*, IV/1,146.

27. J. B. Webster, *The Cambridge Companion to Karl Barth* (Cambridge; New York: Cambridge University Press, 2000), 187.

Christ.”<sup>28</sup> Therefore, the source of unity between Jesus Christ and Christians is the power and work of the Holy Spirit, which is ultimately responsible for the existence of “the Christian community reconciled to God in Jesus Christ in faith, love, and hope.”<sup>29</sup>

The unifying power of the Holy Spirit begins in the Christian community, but in Barth’s theology, it has universal implications for all humankind. Its universal effect is centred in the person of Jesus Christ. As the God-man or Second Adam, Jesus, has established unity between God and humanity. This unity is open to Christians and non-Christians alike because their common humanity in Jesus Christ is seen as an objective fact, lying at the centre not only of history but also of eternity, rather than merely as a subjectively realized matter for a supposedly “private” faith. It is this unifying work of God which is at stake in this unifying aspect of the work of the Holy Spirit, upon which, in this sense, rests the unity of all people.

At this point, we see how radically different Barth’s Reformed theology was from that of the Dutch Reformed in South Africa. For Karl Barth, it is not possible to divide Christians based on race or social status because they have one communion and fellowship in Jesus Christ. Though Barth himself did not engage with the South African question directly in his main work, he did address the political implications of these ideas in the context of Europe, both in the 1930s and 1940s against the Fascist threat, and in the setting of the Cold War.<sup>30</sup> He was also an early ecumenical theologian and was instrumental in the foundation of the World Council of Churches in 1948. South African theologians opposing the Apartheid regime, however, successfully applied the Barthian theme of the oneness of humanity before God against racial segregation in South Africa. They gleaned this understanding of the importance of the oneness and unity of humanity from their reading of Barth’s theological work.

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28. *Ibid.*

29. Barth, *Church Dogmatics*, IV/1, 92-93.

30. Timothy Gorringe, *Karl Barth: Against Hegemony* (Christian Theology in Context. Oxford; New York: Oxford University Press, 1999), 164-84.



Sometimes the involvement of Christian churches in the political affairs of states is complex and uncomfortable for some theologians. Nonetheless, for Karl Barth, the cooperation between “the Christian community” and “the civil community” is crucial in dealing with matters of social interests.<sup>31</sup> The cooperation between the church and state in South Africa in the context of the TRC is a good example. This cooperation may fall into the category of Barth’s theological consideration of the relation between the church and the state. They both operate for creating better conditions for humanity in the world. Iain S. Maclean has briefly compared Barth’s understanding of humanity to Tutu’s Ubuntu philosophy, which promotes the unity of all peoples, and concluded that both Barth and Tutu advocate the truth of “common humanity capable of behaving ethically and being responsible to God and neighbour.”<sup>32</sup>

In this context, it is worthwhile to assess the Christian contribution to pursuance of truth during the South African Truth and Reconciliation Commission in the light of Barth’s ethics of reconciliation. The major feature of Barth’s ethical teaching is that all human “actions” must always reflect and adhere to the act of God in Jesus Christ, who has brought to us the fundamental form of “God’s command.”<sup>33</sup> We always need to adhere to God’s commands because what we do as people is never perfect. It is clear in Barth’s ethical teaching that the focal point of our moves and activities should always be Jesus Christ. This is so because Jesus Christ has brought into the world one true, reconciled humanity for all. The one, true humanity in Jesus Christ is one of obedient life and witness rather than “pride, sloth, and falsehood.”<sup>34</sup> God, who is the centre of everything

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31. Clifford J. Green, *Karl Barth: Theologian of Freedom* (London; Ottawa, Ont.: Collins, 1989), 266-267.

32. Iain S. MacLean, *Reconciliation, Nations and Churches in Latin America* (Aldershot, England; Burlington, VT: Ashgate, 2006), 37.

33. Karl Barth, *The Christian Life: Church Dogmatics IV/4: Lecture Fragments* (Grand Rapids, Mich.: Eerdmans Pub. Co., 1981), 4.

34. Karl Barth, CD IV/2, 403; CD IV/1,232; CD IV/3, 434.

we do, has “reconciled the sinful humanity to himself through Jesus Christ.”<sup>35</sup> In this way, reconciliation and truth are linked in our social and spiritual lives. God is the source of reconciliation because he took the first initiative to establish “the covenant of reconciliation with humanity.”<sup>36</sup> This is the point the Churches and their leaders in South Africa picked up to pursue truth as a means to reconciliation in the country.

The transitional political and religious leaders of South Africa set the goal of achieving peace and national unity as part of their civil and religious responsibilities in the country. This reflects Barth’s political and religious stand, in which, as Jaap Durand has articulated, the church has the responsibility to support the state since it falls “within God’s plan of salvation.”<sup>37</sup> In accordance with this general line of thought, Christian communities in South Africa were instrumental in helping the nation re-establish trust and political understanding between various stakeholders in the country after the collapse of the Apartheid regime. They contributed immensely toward the reconciliation process, in particular by supporting and leading the Truth and Reconciliation Commission. In their leadership of the Truth and Reconciliation Commission, Christian leaders such as Desmond Tutu provided theological as well as social grounds for the success of the transition from Apartheid to democracy. Tutu drew, however, not only on Christian theological ideas, but also on the African traditional understanding of the community as understood within the Black churches to unite all South Africans on the path to reconciliation. Tutu, as has been said, believes in the unity of all South Africans as children of God. This understanding is similar to Karl Barth’s assertion that the affairs of the human family as a “state” or a “church,” though distinct, are tied together in all their functions.<sup>38</sup> Consequently, humanity as a whole has received unity in Jesus Christ, and South Africans in particular from all racial backgrounds are part of this unity.

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35. Karl Barth, Geoffrey William Bromiley, and Thomas F., *Torrance. Church Dogmatics* (IV/I Edinburgh: T. & T. Clark, 1936), 92.

36. *Ibid*, 3.

37. Villa-Vicencio, *On Reading Karl Barth in South Africa*, 129.

38. Green, *Theologian of Freedom*, 266.

In his analysis of Barth's theological ethics, Robert E. Willis explains that the important thing in Barth's ethics is not a matter of "good or evil but our response to good achieved and completed in Jesus Christ."<sup>39</sup> This points us to the fact that human beings cannot move reasonably well in the path of adequate ethical behaviour. They require the guidance and assistance of the Holy Spirit to be able to respond to God's call. Therefore, theological opposition to any system that stands contrary to the idea of common humanity achieved in Jesus Christ as the Son of God and the Son of man is not only a right thing to do, but has to be interpreted in a basic sense as the work of the Holy Spirit.

Barth himself did not formally address his theology to the question of racial segregation in South Africa in his writings, but the South African theologian John De Gruchy provides an account of an episode in which Barth exchanged views with Ben Marais, who asked Barth whether "a policy of enforced racial segregation within the Christian church can be justified on the ground that God will separate races and nations."<sup>40</sup> Barth responded describing this policy as "Nazi-theology," which of course Barth's theology opposed, root and branch.<sup>41</sup> This response to Marais' theological inquiries strongly suggests that if Barth had the chance to discuss the situation in South Africa directly, he would have rejected the Apartheid as a system based on false understanding of God's creation, and assuming a false understanding of the nature of the gospel of salvation itself.

In the context of a hermeneutical tradition influenced profoundly by Barth's ethics, opposition to Apartheid was the right thing to do because opposing it was seen straightforwardly as simple faithfulness, as an act of witness and as obedience to God's command. For the Barthian theological tradition, Apartheid came to be seen as a form of human disobedience to God's command because it divided human families in South

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39. Robert E. Willis, *The Ethics of Karl Barth* (Leiden: Brill, 1971), 101; Parsons, Michael. "Man Encountered by the Command of God: The Ethics of Karl Barth," *Vox Evangelica* 17(1987): 48-65.

40. Villa-Vicencio, *On Reading Karl Barth in South Africa*, 141-142.

41. *Ibid.*

Africa based on false and ultimately untheological (Barth might say “Godless”) assumptions. In the end, the ideals of human solidarity established in Jesus Christ won out, and while it is obvious that it was not only these theological convictions that carried the battle, they were leading themes in the thinking of certain major players in the South African debate. They accordingly helped South Africans come together as one people. To this extent, the church and its leadership in South Africa have given us a model of the potential relationship between theology and politics, church and state that may work well in other similar situations in the future, particularly in the African context, where the Christian church may need to play a role in conflict resolution.

In short, there is a good possibility that Barthian ethical principles can continue to function as a standard for assessing the successes or the failures of other conflict resolution mechanisms, which may involve Christian churches in the future, including in South Sudan. Therefore, assessing some of the steps that the South African TRC took in implementing its mandate, and of the theological foundations of these strategies, may give us a clearer picture of the approach and the possibility of furthering its use in other conflict situations.

The South African TRC initiated different steps to meet the demands of its mandate. One of these steps, however, was to conduct hearings to bring all South Africans the truth about what happened to those who experienced political persecutions under the Apartheid regime in South Africa. Truth, in a nutshell, was held up in the face of the lie, and here too there was a possible Barthian dimension to the work of the TRC in the South African context.

## 2.4 Barthian Truth and the South African TRC

Before we explore the search for truth in South Africa during the TRC proceedings, it is worthwhile to examine briefly the idea of truth in Barth’s ethics. What is truth according to Karl Barth? Sebastian A. Matczak has explained in his book, *Barth On God*, that for Barth, “God is the truth, and the truth means the non-hiddenness of God and the essence

of all truth lies in this, that God is not hidden but open to himself.”<sup>42</sup> In Barth’s ethics, the only truth there is exists in God’s command through Jesus Christ. The essential character of the divine truth, however, is that it is totally transparent. It is, in short, revealed and known, rather than hidden and obscure. This idea of truth as total transparency has become the guiding ethical principle when Christian communities try to search for truth in a world full of darkness. The basic purpose of human ethical behaviour in Barth is to declare unequivocally “the grace of God as addressed to man” through Jesus Christ as the basis of truth, and thus to set it in opposition to the lie that says the contrary, that there are some who are beyond the love of God, beyond election, and beyond blessing.<sup>43</sup>

According to Barth, it is not preaching as such, but Christian ethics that serves as the “primary witness” of God’s truth in the world, and this places all Christians in a position of special responsibility in the sphere of action.<sup>44</sup> Now, we may try to apply this Barthian understanding of truth to the South African situation. The South African Truth and Reconciliation Commissioners were given the duty to establish the truth about what happened to the victims of political violence under the Apartheid system.<sup>45</sup> The South African TRC sought truth through individual testimonies and narratives during its proceedings. I am going to introduce or apply the Barthian ethical formula, which is grounded in our common humanity through Jesus Christ, to evaluate the quality of the truth that emerged from the South African TRC. Megan Shore has identified different kinds of truths that came up during the TRC proceedings, which included “factual or forensic truth, personal or narrative truth, social truth, and healing and restorative

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42. Sebastian A. Matczak, *Karl Barth on God; the Knowledge of the Divine Existence* (New York: St. Paul Publications), 101.

43. Karl Barth, Geoffrey William Bromiley, and Thomas F. Torrance, *Church Dogmatics* (IV2/2 Edinburgh: T. & T. Clark, 1936), 518.

44. *Ibid*, 509.

45. Megan Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (Farnham, England; Burlington, VT: Ashgate Pub. Ltd., 2009), 79.

truth.”<sup>46</sup> All these forms of truths served one purpose. They provided all South Africans with an opportunity to come to terms with their historical problems and move the transition process to a possible successful conclusion.

The Christian leadership of major churches in South Africa, who led the proceedings and hearings of the TRC, listened to the victims and the perpetrators of political violence. They listened to all sides involved in the process to gain a better understanding of individuals as they stated what happened to them or their loved ones. The victims of political violence narrated what happened to them in the course of the Apartheid regime as true stories of their personal experiences. Those who came forward to acknowledge their participation in the crimes also provided information about what they did. The leadership of the TRC received this information as true stories of the perpetrators and the victims of human rights violations under the Apartheid. The church leadership had the authority to explore truth in the TRC proceedings because it was the only body in the country the people could trust.

The search for truth was one of the most important elements of the South African Truth and Reconciliation process because it was the key to achieving justice, reconciliation, and eventually the unity of the country. The four kinds of truth mentioned above were part of the final report of the TRC.<sup>47</sup> Although all these kinds of truth are important, among them, social truth occupies an important position in the reconciliation process in South Africa. It includes all aspects of other truths. Hence, the one form of truth we must deal with is social truth. Social truth is significant because it brought the perpetrators and the victims of political violence face to face to define the future of the country. In this way, individual narratives were brought into the public domain and became part of national discourse.

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46. *Ibid*, 80.

47. Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission*, 80.

A useful factor that Megan Shore has mentioned concerning social truth, which gives it a critical role in the reconciliation procedures in South Africa, is that “social truth refers to the dialogue and discussion about the truth about South African Apartheid... where the process and goals of the commission emerged.”<sup>48</sup> Social truth, therefore, offers and will continue to offer to South African society the chance to reflect on the impact of the Apartheid system in the country. Social truth is not about particular crimes or abuses but about the whole, and so is especially important for the future and rebuilding of the country. If we examine social truth using Barth’s ethical understanding, it is possible to say that social truth in the context of the South African reconciliation process supports the idea of the common humanity that Barth advances in his theological teachings. Or, to put the matter another way, Barth’s theology at this point makes common cause with and is capable of informing and deepening Christian commitment to social truth. In either case, however, social truth is an important factor in reconciliation discourse, and serves as a major part of social witness in the service of humanity created in the image of God.

Truth in Barth’s ethics, we may say, is grounded in the command of God that has come to all humanity through the Son of God, who is also the Son of Man. It is a function of that grand unity between God and humanity. The one new humanity in which all people have been reconciled with God will always seek the truth to meet the responsibilities that God has designed for it. In his contribution to *The Cambridge Companion to Karl Barth*, the ethicist Nigel Biggar explains that, for Karl Barth, humanity is “accountable to a transcendent moral authority.”<sup>49</sup> I think the Christian communities who took exception to the Apartheid regime, and especially the opponents of the racial segregation that led the South African TRC, understood this accountability in a way compatible with Barthian moral teaching, which asserts that moral truth exists in God’s command through Jesus Christ.<sup>50</sup> In keeping with such insights, furthermore, the church leadership in South

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48. *Ibid*, 80-81.

49. Webster, J. B. *The Cambridge Companion to Karl Barth*, 214.

50. *Ibid*.

Africa worked alongside the state to build national unity in one social truth, and considered all South Africans as equal stakeholders in the future of the country.

The truth that put into consideration human accountability to God has restored some trust and brought about an understanding between the victims and the perpetrators of political violence in South Africa. Therefore, the TRC sought the truth to bring healing, reconciliation, and restoration of human dignity to all South Africans. In this case, the social truth attained by the TRC corresponds to the truth of reconciliation rather than the lie of Apartheid. In Barth's ethics, truth bears witness and builds right relationship between God and humanity, on the basis of the reconciliation that took place in Jesus Christ, who is "the content of God's eternal will."<sup>51</sup> Since, according to Christian teaching, we are all accountable to God in all the things we do, we should always look at our actions and responses to events in our immediate environments and around the world to see to it that they correspond to God's call.

The other important aspect of searching for the truth in South Africa was to provide justice to the victims of political violence. The South African TRC was constitutionally authorized to help the victims of political violence achieve some form of acceptable justice. Justice could be achieved in the form of recognition that the victims of abuse suffered unjustly because of their political or racial backgrounds. Another way of achieving justice was for the perpetrators to accept their responsibility for the crimes they committed unjustly against their fellow South Africans. More importantly, the victims could also receive compensations as part of reparative justice to reintegrate them into society.<sup>52</sup> Integration into the society of both the victims and the perpetrators of political violence during the Apartheid regime was an important step in implementing the idea of rebuilding an inclusive, united, and reconciled society. All of this is part of the social truth that places the interest and the future of South Africa on the right course of action.

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51. Barth, Bromiley, and Torrance, *Church Dogmatics*, IV/I, 54.

52. De Greiff, *The Hand Book of Reparations*, 775-779.



The final thing that the social truth fostered during the South African TRC was the promotion of forgiveness. Govier Trudy has outlined the concept of forgiveness in Desmond Tutu's teaching, suggesting that Tutu, during the TRC, extended forgiveness into the political sphere.<sup>53</sup> For any society emerging from conflict and aspiring to achieve social stability, "political forgiveness" must be part of its policies.<sup>54</sup> However, in the Act that established the South African TRC, the idea of forgiveness was referred to as "amnesty."<sup>55</sup> Whether forgiveness or amnesty the theological resonances are clear. The benefits that such amnesty brought into the reconciliation process in South Africa must be discussed in what follows.

In fact, amnesty in the South African Truth and Reconciliation Commission facilitated the goal of national unity, by allowing individuals who participated in crimes under the regime of racial segregation to come forward and testify before the commissioners.<sup>56</sup> Rotberg suggests that the amnesty proceedings provided greater opportunity for the victims and the perpetrators to interact in real life as they presented their cases.<sup>57</sup> This was one of the fruits of the commitment made to social truth, which allowed individual perpetrators of political violence to accept in public their responsibilities for crimes against humanity.

The leadership of the TRC made recommendations for individuals to receive monetary and other reparations as part of a package to address the injustices the racial segregation

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53. Govier, *Forgiveness and Revenge*, 78; Desmond Tutu, *No Future without Forgiveness* (1st ed. New York: Doubleday, 1999); David Bloomfield and International Institute for Democracy and Electoral Assistance. *Reconciliation After Violent Conflict: A Handbook* (Stockholm: International IDEA, 2003).

54. *Ibid.*

55. Christie, *The South African Truth Commission*, 123.

56. Ronald C. Slye, "Amnesty, Truth, and Reconciliation: Reflection on the South African Amnesty Process" in *Truth v. Justice: The Morality of Truth Commissions*, eds. Robert I. Rotberg, and Dennis F. Thompson (Princeton, N.J.: Princeton University Press, 2000), 173.

57. *Ibid*, 182.

regime inflicted on South Africans.<sup>58</sup> Those recommendations were also part of the social truth that emerged out of the TRC. Reparations in general were designed to allow the victims to understand that their plight during the Apartheid regime had at last been recognized, or acknowledged, so that there was now a better chance for them to move on with rebuilding their lives in the new South Africa.<sup>59</sup> The responses of the victims of Apartheid to the reconciliation process, by accepting even the minimal reparations recommended to them by the TRC, have had an important place in moving South Africa past its history of racial segregation.

Furthermore, what makes social truth an important factor in the South African TRC is the fact that it opened up all possibilities, even making the idea of forgiveness possible. This is important because the victims of human rights violations during the Apartheid regime in South Africa had to know who had abused their loved ones. Hence, the new South Africa emerged because truth was placed before all the communities in the country, above falsehood, and above purely self-interested politics. The implication was that in the new South Africa, even the perpetrators of political violence were able to apply for amnesty without fear of prosecution. At the same time, victims were also in a position to offer forgiveness to those who had wronged them.

Now South Africa has moved on with social and political reforms to strengthen the ideals of democracy. However, not everything has taken place as planned. The recommendations that were made by the TRC were not met on time; for instance, some of the victims have never received the compensation packages that were recommended for them by the TRC reparation committee.<sup>60</sup> These delays in helping the victims cope with the difficulties of transition from Apartheid to democracy created and will continue

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58. De Greiff, and International Center for Transitional Justice, *The Handbook of Reparations*, 188-189; RutiG. Teitel, and My Library, *Transitional Justice* (New York; Oxford: Oxford University Press, 2000); Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (1st ed New York: Norton, 2000).

59. *Ibid*, 181.

60. De Greiff, and International Center for Transitional Justice, *The Handbook of Reparations*, 188.

to create more social problems. If we look at it using Barth's ethical formula, we may perhaps judge that the government has not adequately met its own responsibility toward God and South African society.

It remains true that not all South Africans were happy with the results of the TRC, and this is why the debate concerning its achievements continues to this day. However, the ground was prepared for individuals and communities to make choices in pursuing reconciliation. To this extent, the Christian church in South Africa established a model that may work in other societies, and in this case, the church, to some extent, has fulfilled its role as a witness to truth in Jesus Christ, who is the chief, reconciler, redeemer, and saviour of humanity.

## 2.5 Conclusion

This Chapter has briefly explored the history of racial segregation in South Africa. It has suggested that the introduction of the Apartheid system into South African society was a combination of political and religious considerations. On the political side, Afrikaners were fighting against the British imperialism, and on the religious front, they were influenced by a particular version of Dutch Calvinism which led them to consider themselves as people set apart by God who should not mix with black South Africans or people of Asian origin. These considerations caused bitter political and social crisis in South Africa for decades.

This Chapter has also provided a brief examination of different theological responses to Apartheid and of the influence in the South African context of Karl Barth's theology of reconciliation, which focuses on the theme of unity. I have suggested that the South African TRC began after the political players in the country had realized that ethnic rivalry, racial segregation, and violence needed to end. For the sake of peace, we have seen that they set themselves to find ways to achieve national unity in South Africa, and in this way, the amnesty proceedings of the TRC emerged as the most important element

of the reconciliation process. We turn now to examine this question of amnesty in more detail in the next Chapter.

## Chapter 3

### 3 The Amnesty Formula in the South African TRC

This chapter explores the aspects of the “amnesty formula” in the South African Truth and Reconciliation Commission. Special attention is given to the political and Christian theological understanding of amnesty and its relation to the reconciliation process in South Africa. Theological discussion of the amnesty formula in this section features forgiveness as understood in the work of Anthony Bash and Karl Barth. Since the contributions of the South African churches to social and political reconciliation have been of great importance in moving the nation beyond its historical ills brought about by racial segregation,<sup>61</sup> it is reasonable to expect that important lessons can be learned here, that may work elsewhere where the Churches can be expected to be active. The ways in which South Africans used an amnesty formula to make it possible for the reconciliation exercises to move forward needs especially close examination because of its decisive influence on the transitional process.

The amnesty formula—which was a special political arrangement to encourage the leaders of the NP to relinquish power without fear of persecution—in the South African TRC was an important catalyst in moving the transition process forward; its social impact boosted the relative success of reconciliation. Kenneth Christie describes amnesty in the context of the South African peace process as “state sanctioned forgiveness.”<sup>62</sup> In this regard, amnesty in the work of the TRC had a specific and a clearly defined political purpose to serve. Its major purpose, however, is interesting: it was to offer an opportunity

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61. Megan Shore and Scott Khline, “The Ambiguous Role of Religion in the South African Truth and Reconciliation Commission.” *Peace & Change* 31, 3(2006): 309-32.

62. Christie, *The South African Truth Commission*, chapter 5.

to the perpetrators of political violence in South Africa during the Apartheid regime to come forward and tell the “truth” about the crimes in which they took part.<sup>63</sup> Admittedly, the TRC did not deal with all the crimes that occurred under the Apartheid regime, but it offered protection from prosecution to individuals who willingly admitted their participation in politically motivated crimes in the line of duty sanctioned by the state or the political organizations.<sup>64</sup> The public example set was important, and it undoubtedly helped to move South Africa from conflict to peace.

Observers, commentators, and writers on the South African TRC have indicated that during the negotiation process “between the National Party (NP) and the African National Congress (ANC), the question of amnesty was not a priority, but it was a “last minute political compromise” between the stakeholders in the negotiations.<sup>65</sup> Amnesty in many ways was a strategic political understanding between the negotiating political actors in the country, who eventually relied heavily on the South Africans’ desire for peace and reconstruction of new social order. Amnesty was crucial to the achievement of the TRC and, for this reason, needs to be carefully considered and properly understood.

What is unique about the South African case is that amnesty was removed from being solely a legal process and was brought into the hands of a group composed of priests, lawyers, academics, and other members of society, who themselves made decisions on amnesty applications instead of courts. The principle of “Honest disclosure of information by individual applicant”<sup>66</sup> governed their decisions to refuse or grant amnesty. The Act that established South Africa’s TRC emphasizes the honest disclosure of information about the crimes committed under Apartheid regime as a prerequisite to

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63. Annelies Verdoolaeghe, *Reconciliation Discourse: The Case of the Truth and Reconciliation Commission* (Vol. 27 Amsterdam; Philadelphia: John Benjamins Pub., 2008), 14-15.

64. Kenneth, *The South African Truth Commission*, 120-121.

65. De Greiff, and International Center for Transitional Justice, *The Handbook of Reparations*, 178.

66. Doxtader and Salazar, *Truth and Reconciliation in South Africa*, 14.

the granting of amnesty to individual applicants. This was a new way of how South African politicians decided to confront the history of their nation. This innovation has given the idea of the South African amnesty a special character on the global stage. It has propelled South Africa into a new future, in which current and subsequent generations of South Africans will always reflect on their extraordinary and complex history. Without exaggeration, the amnesty formula in the South African TRC will be the window through which historians will often examine the thinking of the principal political and religious actors in South Africa during the transition from the Apartheid system to a multiracial nation that treats all its citizens with respect and dignity.

### 3.1 Christian Theology and the South African TRC Amnesty Formula

The South African Truth and Reconciliation Commission emerged from a political process between the African National Congress (ANC) and the National party (NP).<sup>67</sup> Nonetheless, its implementation stages were strongly influenced by religious leaders in South Africa. Most of its commissioners were leaders in major South African Christian communities. For instance, its chairperson, Desmond Tutu, was a leading Anglican archbishop in the country. Megan Shore says that the influence of those Christian leaders is “evident in all the conducts” of the South African TRC, including “Christian rituals” that found their way into the proceedings.<sup>68</sup> Their influence affected not only the proceedings of the TRC, but also, crucially, the concept of amnesty itself.

In fact, Tutu and other leaders of the TRC were not especially concerned about the legality of the concept of amnesty, largely because, as Megan Shore explains, “The Christian notion of forgiveness swayed individuals and hearings.”<sup>69</sup> In other words,

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67. Shore, *Religion and Conflict Resolution*, 59.

68. *Ibid*, 60-74.

69. *Ibid*, 81.

individual victims were expected to offer forgiveness to those who had acknowledged responsibility for abuses against them. This indicates that Christian religious considerations emerged as influential factors at the TRC amnesty proceedings and hearings. Amnesty at this point assumed a religious character and was understood to involve forgiveness.

But the general understanding of both amnesty and forgiveness is different from what was happening in South Africa during the TRC process. Amnesty is considered to be a legal concept that suggests pardoning of people convicted of political crimes. However, in South Africa, amnesty was used in a different way. It was offered to people who had committed political crimes but were not convicted or tried in a court of law. Hence, the meaning of amnesty largely depends on the social context in which it is being applied. Forgiveness, on the other hand, is a process or an action of a deliberate intention to let go of a bad thing done to one or both sides in a situation of conflict. It is a conscious decision that comes from one's heart to avert revenge and resentment. Both amnesty and forgiveness were used interchangeably at the South African TRC hearings.

Anthony Bash, writing from a Christian standpoint, describes forgiveness as “a moral response to wrongdoing.”<sup>70</sup> Of course, the link between the idea of forgiveness and the moral teachings of the Christian community is a powerful part of the social life of Christians. It was on this basis, I would suggest, that Desmond Tutu and other commissioners of the South African TRC placed more emphasis on forgiveness than on punishment as part of the Christian responsibility to move the reconciliation process forward.

Furthermore, Bash maintains that victims are the ones who are always in a position to forgive those who have done something evil to them, but the possibility of “quasi-forgiveness” exists when the actual victims are no longer alive.<sup>71</sup> This is what happened

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70. Anthony Bash, *Forgiveness and Christian Ethics* (Vol. 29 Cambridge, UK; New York: Cambridge University Press, 2007), 3.

71. *Ibid*, 8.



in many cases of the South African TRC, since a large number of the victims of Apartheid were either missing or dead. Their relatives, therefore, represented them. At the TRC hearings, as would be expected, some actual victims of violence or relatives of the deceased refused to offer forgiveness to the perpetrators of political violence under the Apartheid regime, but most did take the initiative to offer forgiveness.<sup>72</sup>

Bash makes an important point in his description of forgiveness. He says, “Forgiveness is a gift that a victim offers freely to the wrongdoer.”<sup>73</sup> From a Christian point of view, offering forgiveness to those who wronged Christians reflects not only biblical teaching, but also the example of Christ himself. The Christian faith encourages all Christians to practice forgiveness in their lives. Though the incentive here is that those who forgive others will receive good rewards from God in this life and in the life to come, there is also an important dimension of witness involved in the action — witness to the truth that we are not truly at enmity with God and neighbour, but at peace. It was in keeping with this that, at the South African TRC, the legal concept of amnesty was transformed into a rather overtly Christian idea of forgiveness. Redemption and the restoration of the perpetrators of human rights violations became the focal point of the exercise. What was solicited from the perpetrators of violence during the Apartheid era was for them to provide reliable details of the crimes they had committed, so that the truth became transparent and open, and in exchange for this confession, forgiveness was offered.

Bash’s description of forgiveness as a gift from a victim to a wrongdoer echoes Karl Barth’s theological position, which suggests forgiveness as a reflection in human life of Christ’s gift of grace to humanity. Barth describes this grace as “God with us.”<sup>74</sup> It is a grace that has pardoned our sins and brings humanity into relationship with God.<sup>75</sup> Jesus has offered this gift to sinners freely. Forgiveness as a grace of God in this context is not

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72. Shore, *Religion and Conflict Resolution*, 160.

73. Bash *Forgiveness and Christian Ethics*, 13.

74. Karl Barth, *CD IV/1*, 9.

75. *Ibid*, 10.

a simple process, that comes as part of humans trying to behaviour better, but a function the Holy Spirit performs among the believers to provide them with discernment of God's gracious will and as "partners to receive his redemptive grace."<sup>76</sup>

If we interpret amnesty or forgiveness in Barth's theological terms, it is not unreasonable to say that the South African TRC amnesty formula was a major part of the cooperation between the church and state. The state legally instituted the amnesty formula into the peace process, and the church took it as part of its efforts to foster reconciliation across social divide in South Africa. It was a response to God's command of grace in Jesus Christ, which has reduced the humans' desire for revenge because of the wrong done to them. It has brought the will of God to bear witness in promotion of reconciliation in South Africa.

Barth has shown that some form of common cause made between the church and the state is unavoidable. It is a necessity for the benefit of both the state and the church. He writes, "The freedom of the church can only be guaranteed through the existence of the state...therefore, there is no alternative but that the church should on its side guarantee the existence of the state through its prayers."<sup>77</sup> More than prayers, indeed, were on offer from Barth himself, who famously maintained that the Churches of Europe needed to preach the Christian duty of opposing Hitler by military force (rather than to fall back into their default position of moralistic pacifism), and from his disciples, who included distinguished Christian political activists such as Dietrich Bonhoeffer.<sup>78</sup> A commitment to the life of the state is therefore in view in Barth's theology and a clear interest in the political sphere in general.

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76. *Ibid.*

77. Karl Barth and G. Ronald Howe. *Church and State* (Church Classics. [Rechtfertigung und Recht.English]. Greenville, S.C.: Smyth & Helwys Pub., 1991), 51.

78. Karl Barth, *The Church and the Political Problem of our Day* (London: Hodder and Stoughton, 1939).

Out of the same concern for the mutual benefit of church and state, the leaders of the church in South Africa worked hard to guarantee the existence of the South African state. It is only in free South Africa that the church has the ability to serve all communities. The church and political leaders envisioned the genesis of this free South Africa through the work of the TRC and through its amnesty formula. They also stood behind the principle of amnesty, taking a principled stand for the sake of building the new South Africa, and the guaranteeing of freedom for both the church and state.

While amnesty or forgiveness brought certain benefits to the South African truth and reconciliation process, it also generated major arguments among South Africans. Erik Doxtader and Charles Villa-Vicencio have nicely summed up the controversial nature of the South African TRC amnesty, saying that “amnesty closes some books by only opening others.”<sup>79</sup> It closed the books on criminal responsibility for some perpetrators of political violence under Apartheid, in other words, but it ignited questions surrounding justice for the victims. It left some victims questioning the wisdom of amnesty without legal trials. In this case, when forgiveness is not possible because some victims refused to offer it freely, Bash suggests that this decision is defined by a response the victims have chosen.<sup>80</sup> It means that a personal decision is important when it comes to forgiveness. However, the reluctance of some victims in the case of South Africa’s TRC to offer forgiveness to their abusers did not affect the decisions of the amnesty committee. The commissioners in charge of granting or refusing the amnesty had the last word. It was part of their constitutional mandate to make the final decisions on amnesty applications.

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79. Erik Doxtader and Charles Villa-Vicencio, eds., *The Provocation of Amnesty: Memory, Justice and Impunity* (Trenton, NJ: Africa World Press, 2003), x; Sarah Nuttal and Carli Coetzee, *Negotiating the Past: The Making of Memory in South Africa* (Cape Town: Oxford University Press, 1998); Homi K. Bhabha, *Nation and Narration* (London; New York: Routledge, 1990).

80. Bash, *Forgiveness and Christian Ethics*, 6-7.

### 3.2 Benefits of Amnesty to the South African Peace Process

Such debates did not, however, negate the societal benefits that came with the amnesty provision in the Act that established the TRC. The perpetrators of political violence, who trusted the amnesty process, had some peace of mind, which allowed them to cooperate with the Amnesty Committee of the TRC at its hearings. Amnesty as a policy therefore brought a number of positive steps into the reconciliation process. The first benefit of the amnesty formula was that it allowed the perpetrators to reveal trustworthy information about gross human rights violations in which they had participated.<sup>81</sup> This step was crucially important because the TRC had the mandate to bring to light the atrocities committed under the regime of racial segregation in South Africa, and to establish to the extent possible a clear picture of the scale of abuses in the country. It is clear that no one should assume that the whole truth was revealed at the TRC amnesty hearings. Still, while we may not have heard or seen the whole truth about what happened in South Africa under the Apartheid system, a significant amount of truth has come into the open through the amnesty hearings, and the truth that came to light has served an important symbolic function in the society as a whole.

The second benefit that came because of the amnesty provision in the work of the TRC was that it allowed a large number of people to come forward with the information they knew about human rights abuses. Former and serving security officers applied for amnesty without the fear of necessarily getting into trouble with the law.<sup>82</sup> Nonetheless, Richard A. Wilson suggests that the current information we have about the participation of state security agents in political violence in South Africa at the time of the Apartheid rule does not necessarily reflect the complete picture of what happened in the country during those dark years.<sup>83</sup> This is so because some major sections of “the security forces

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81. Rotberg, and Thompson, *Truth v. Justice*, 172.

82. *Ibid*, 173.

83. Carmen Enríquez González, Alexandra Barahona de Brito, and Paloma Aguilar Fernández, *The Politics of Memory: Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), 212; American Society for Political and Legal

did not apply for amnesty.”<sup>84</sup> In fact, it would appear that the majority of those who carried out most atrocities against civilians under the Apartheid regime were not willing to come forward to testify before the TRC, so that the participation of those people in crimes against humanity will remain hidden from public knowledge in South Africa. Undoubtedly, however, the policy of amnesty did allow many people to come forward into the process of reconstructing the historical narrative of South Africa after the collapse of the Apartheid system.

Wilson’s assertion reminds us of the difficulties that societies emerging from a state of social chaos to a state of stability face when they try to find the truth about their past. In such situations, it is not possible to acknowledge and heal every wrong. What is important in the search for truth, and in South Africa that search meant not only a recognition that the exposure of every crime committed under the Apartheid regime was impossible, but also that people should be made aware that the whole truth had not come to the surface. This too became, in effect, part of South Africa’s social truth.

The third important benefit of amnesty relates to the issue of accountability in the whole process of the TRC. Rotberg has suggested that the amnesty provision in the TRC ensured some degree of “accountability” because the perpetrators of violence could “identify themselves,” state their crimes, and identify who actually ordered them to commit those crimes.<sup>85</sup> This open process gave South Africans, particularly the victims of Apartheid and their families, some assurance that justice was taking its course. It also gave the South African TRC a special character, which reflected transparency and

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Philosophy. Meeting, Melissa S. Williams, Rosemary Nagy, Jon Elster, and American Political Science Association. *Transitional Justice* (Nomos Vol. 51 New York: New York University Press, 2005).

84. *Ibid.*

85. Rotberg and Thompson, *Truth v. Justice*, 180.

democratic values. This open process was a clear indictment of the Apartheid system, a system that was enshrined in secrecy and racial exclusion.

At this point, it is appropriate to clarify the general meaning of justice and how it was used in South Africa at the TRC hearings. Justice, in general, is the fair treatment of people. It is a part of social behavior that enables people to maintain peace and tranquility in any society. When we speak of justice, we speak of unbiased judgment, which distinguishes right from wrong. It is part of the principles that support right relationship in the society, through dialogue and law. In South Africa during the truth and reconciliation, for instance, it carried different connotations. It meant accountability, acknowledgement, compensation; it meant granting or refusing pardon to political criminals.

Furthermore, the provision of amnesty in the South African TRC had its own special design, which was very different from similar processes. Michael Battle has attributed this special design of the South African TRC to the fact that its amnesty committee had the authority to determine the eligibility of individuals applying for amnesty, a provision that is not found in other truth commissions.<sup>86</sup> A key factor here in the operations of the South African TRC was its independence, and the non-interference in its proceedings by political parties. Hence, despite the fact that the amnesty provision which helped the TRC succeed was a political bargain between the ANC and the NP,<sup>87</sup> it attained a social character of its own at the implementation stage. The amnesty's fourth benefit was thus that it became a rallying point for new forms of social discourse, in which the creation of a rainbow nation emerged as central. All sectors of South African society came along, and were represented with their inputs and ideas, which made the TRC as inclusive as possible.

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86. Battle, "Truth and Reconciliation: From Chile to South Africa" in *Reconciliation, Nations and Churches in Latin America*, ed. Ian S. Maclean, 210.

87. González, De Brito, and Aguilar, *The Politics of Memory*, 198-99.

The fifth benefit that might have come to South Africa because of the impact of the amnesty process in the TRC is that it has facilitated better understanding of human rights issues among citizens. There is broad recognition today, in fact, that the idea of amnesty as practiced by the TRC “created the culture of respect for human rights in South Africa.”<sup>88</sup> Such promotion of respect for human rights in South Africa was an important development after the long suffering under the extreme system of racial discrimination. The culture of respect for human rights is reflected in the transparent manner in which the amnesty hearings and proceedings were conducted.

The sixth contribution of the amnesty to the South African peace process was the promotion of reconciliation, by which I refer principally to the ultimate goal of national unity of the country.<sup>89</sup> It was during the amnesty hearings, in fact, that “statements about forgiveness, empathy, and acceptance would be made.”<sup>90</sup> At this point, reconciliation between people at the individual level was gradually beginning to take place, and it was at this stage also that South Africans as individuals were considering putting the past behind them and moving into the future as a reconciled community. It is interesting that the TRC leadership focused its attention on individuals, but also encouraged participants in the process to take steps and “acknowledge their responsibilities”<sup>91</sup> as members of South African community who hold the keys to peace in the country. Most victims and the perpetrators of political violence, who participated in this process, took this responsibility seriously and decided to be part of this grand unity of the nation of South Africa.

The amnesty provision in the Act that established the South African TRC became the cornerstone of the reconciliation process because of the benefits listed above. The TRC commissioners expected the perpetrators of political violence in the country to take full

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88. Rotberg and Thompson, *Truth v. Justice*, 182.

89. De Greiff, *Handbook of Reparations*, 773.

90. Rotberg and Thompson, *Truth v. Justice*, 181.

91. *Ibid.*

responsibility for whatever crimes they had committed against opponents of the Apartheid regime. They were also encouraged to seek forgiveness from their victims as an important step to re-establishing the broken relationship between individuals and communities. In fact, the outcome was that the focus on amnesty during the South African TRC proceedings injected new life into “the national reconciliation and reconstruction” process.<sup>92</sup>

Scholars in the field of transitional justice, who have written extensively on the South African TRC, have noted its special style and character in pursuit of truth and reconciliation. The TRC succeeded in helping South Africa move from a state of racial segregation to a state that respects and takes pride in its racial diversity. Nonetheless, what is apparent is that no one is certain about the level of reconciliation among the citizens in the country.<sup>93</sup> The level of interactions between different racial groups remains unclear since the collapse of the Apartheid regime. What is clear, however, is that South Africa has seen a significant change in terms of race relations because the Apartheid system has gone into the history books never to return.

In this context, there is hope on the horizon that the major political actors, such as the ANC, the NP, and other smaller parties, have seen the benefits of the democratic transformation in South Africa, which has brought the country onto the international stage, where it can make a difference in promotion of racial diversity, religious tolerance, political pluralism, and the rule of law. However, though the new South Africa has the potential to find strength in its diversity, no one is under any illusion in or outside South Africa that this is going to be an easy process. It will require more than political reconciliation to build a racially and ethnically tolerant society in South Africa.

Reconciliation between political parties might have taken place in South Africa to facilitate a transition from the Apartheid regime to democracy, but social interactions between groups and individuals may take some time before fuller integration happens.

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92. Shore, *Religion and Conflict Resolution*, 112.

93. *Ibid*, 136.



Hence, the provision of amnesty in the TRC, in some ways, has made it possible for the communities in South Africa to begin thinking about a peaceful future beyond the Apartheid system. In fact, the South African experience is unique within continental Africa. The peaceful transition from Apartheid to democracy has allowed the rule of law to take firm roots in the country, something most African countries are still struggling to achieve.

### 3.3 Conclusion

This Chapter has discussed the amnesty formula in the South African TRC. It has shown that the amnesty formula was a last minute conditional political compromise between the major parties to the negotiations. The commissioners of the TRC were given the authority to grant or refuse amnesty for individual applicants if they deemed that the disclosure of information made by an applicant was not genuine. The amnesty formula was also heavily influenced at the implementation stage by the Christian notion of forgiveness.

I have argued that the amnesty formula brought different benefits to the South African TRC. These benefits included honesty in the disclosure of information, the promotion of accountability, the facilitation of amicable social discourse, and an encouragement of the culture of human rights in the new South Africa. Furthermore, the amnesty formula will be the window through which the current and the subsequent generations of South Africans will reflect on their extraordinary history. It will also be a window through which historians will examine the thinking of political and religious leaders of South Africa during the transition period.

## Chapter 4

### 4 The Current State of Reconciliation in South Africa

Different factors continue to affect the state of the reconciliation process in South Africa twenty years after the end of the Apartheid system. This chapter explores these factors and evaluates their impacts on the perception South Africans have of the gains the country has made in reconciliation. There are many elements of social activities that contribute, either positively or negatively, to the ways in which individuals and communities in South Africa consider the benefits of the TRC, and these cover a wide range of issues. Some of these elements will be examined here in the light of current debates about the meaning of reconciliation in South Africa and through the lens of social capital. They include economic inequality, religious beliefs, race, political affiliations, and land reforms.<sup>94</sup>

#### 4.1 The South African Conception of Reconciliation

The current discourse on the state of reconciliation in South Africa dominates socio-economic and political considerations there, perhaps because the concept of reconciliation remains unclear to most South Africans. The popular understanding of the concept of reconciliation causes even more disagreement twenty years after the racial segregation had ceased to be an official policy of the state. There is no definitive explanation of exactly of what the idea of reconciliation stands for today in South Africa.

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94. Kim Wale, "Reconciliation Barometer Survey: 2013 Report Confronting Exclusion: Time for Radical Reconciliation." IJR, Institute for Justice and Reconciliation, 2013; Adekeye Adebajo, Adebayo Adedeji, and Chris Landsberg, *South Africa in Africa: The Post-Apartheid Era* (Scottsville, South Africa: University of KwaZulu-Natal Press, 2007).

Megan Shore has already identified this dilemma by articulating that the idea of reconciliation during the period leading to the TRC was not clearly “defined” but it was recognized as a significant step in the right direction.<sup>95</sup> This dilemma continues even today.

However, in general, reconciliation refers to an amicable restoration of a broken relationship between individuals, communities, or societies. It carries different weights in all these categories. It does not require complicated procedures when it occurs between two or three people. However, when it involves communities or the whole society, it becomes a complex process that demands legal commitments from those involved. Reconciliation comes as part of a dialogue or an understanding between the people or communities between whom a rift occurred. It allows individuals and communities to come together once more to start a new beginning in their relationship. In South Africa, the reconciliation needs to happen at all levels of the society. This is the reason it has become difficult to define in simple terms.

Different authors in South Africa have attempted to define the concept of reconciliation in the current South African context. In a recent book co-authored with Allan Boesak, Paul De Young defines reconciliation as “exchanging places with ‘the other,’ overcoming alienation through identification, solidarity, restoring relationships, positive change, new framework, and a rich togetherness that is both spiritual and political.”<sup>96</sup> This expansive understanding of reconciliation suggests that reconciliation often demands a set of new, dynamic ideas, which unite people on the same journey as they travel along the way to a common destiny. However, it is clear that such a movement toward a common destiny cannot assume the same pace of all its members. A new framework should always come into play to accommodate different needs of individuals and communities at different

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95. Shore, *Religion and Conflict Resolution*, chapter 6.

96. Allan Aubrey Boesak, and Curtiss Paul DeYoung, *Radical Reconciliation: Beyond Political Pietism and Christian Quietism* (Maryknoll, New York: Orbis Books, 2012), 12; Brian Frost, *Struggling to Forgive: Nelson Mandela and South Africa's Search for Reconciliation* (London: Harper Collins, 1998).

times to keep the spirit of reconciliation alive. Here the idea of reconciliation will continue to evolve in South Africa as time goes by, and new challenges will emerge, but the journey will not stop.

Ernst Conradie and his colleagues have put together a work that attempts to “clarify conceptually” the idea of reconciliation, but they have not reached the same conclusion in defining the concept.<sup>97</sup> Among them, an interesting definition of reconciliation has come from Sarah Hills, who suggests that reconciliation could be understood in terms of Christian sacramental theology or Eucharistic experience.<sup>98</sup> Ideally, the Eucharist brings together Christians from all walks of life to share the symbolic spiritual meal as one body. In the Eucharist there is no distinction between the rich and the poor, all are children of God. The Eucharist is a combination of different elements, which include faith within the community, the sharing of bread and wine, and the word of God. All these elements are important parts of the Eucharist. If one of them is absent, the Eucharist will be incomplete.

Like the Eucharist, reconciliation needs and requires different elements to make it complete. It requires justice, restitution, restoration, forgiveness, political liberty, and economic empowerment for all citizens. For Sarah Hills, “reconciliation is a union between restitution and forgiveness.”<sup>99</sup> Restitution is a mechanism through which a property stolen or forcefully taken is returned to its original owner, where that is possible, or a symbolic token is paid in its stead. In South Africa, the concept of restitution relates to land and its relationship to reconciliation in the country. Fair distribution of the land stolen from the black communities under Apartheid remains one of the major demands of black South Africans.

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97. Sarah St. Léger Hills, “Why Words are not Enough” in *Reconciliation A Guiding Vision for South Africa?* Ed. Ernst Conradie (Stellenbosch: Sun Press, 2013), 94.

98. *Ibid.*

99. Conradie, *Reconciliation A Guiding Vision for South Africa*, 94.

What makes Hills's definition of reconciliation interesting is the fact that the Eucharist is not a one-time thing. It is a continuous exercise that brings Christian communities together now and then to celebrate life in Christ. Likewise, reconciliation is not a one-time thing, but an exercise which often directs everyday life in any transitional society.

Hills's approach is especially important in this debate for a number of reasons, even if it does not invalidate the points others have raised. First, it underlines the idea that religion must continue to be part of the process that promotes understanding of the reconciliation in South Africa. The contribution of the religious communities to the implementation of the TRC was not simply a promotion of religious ideals to make reconciliation easy, but to indicate as well that religion can offer clarifications to concepts that defy definitions in certain social situations. It will need to continue to contribute to the process constructively in this way.

## 4.2 Economic Inequality, Land, and Reconciliation

When the reconciliation process began in South Africa with the release of Mandela from prison, hopes were high among black South Africans, who believed that political freedom would come along with a reduction in economic disparities through new policies. But the complex procedures that created the TRC were not going to change things overnight. The reconciliation process was not meant to dispossess those who had already established their economic power in the country. It was meant to remove the oppressive system of Apartheid and open the way for black communities to operate as free citizens of South Africa.

In its survey of 2013, the South African Reconciliation Barometer shows that economic inequality remains on the top of the list of issues affecting reconciliation efforts in constructing a new future for the country.<sup>100</sup> Therefore, economic inequality still

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100. Wale, "Reconciliation Barometer Survey: 2013 Report Confronting Exclusion: Time for Radical Reconciliation."

promotes negative racial sentiments in the country. For instance, white South Africans have retained their privileged economic status in the country, which indicates that the economic engine in South Africa has remained almost entirely in the hands of the white communities. According to the Pew Research Centre, “the average annual household income for black South Africans in 2011 was \$8,700, which was one-sixth of the white South Africans’ average annual household income.”<sup>101</sup> Moreover, the World Bank GINI Index shows that income inequality between the rich and the poor in South Africa has actually worsened recently, having gone up from “63.1 in 2009 to 65.0 in 2011.”<sup>102</sup> These figures underline an important factor in the transition process. The economic rehabilitation of black communities has been moving very slowly since the Apartheid regime officially ended in 1994. This gloomy economic outlook for most black South Africans has made the road to full integration of communities uncertain.

However, economic inequality in South Africa is not a new phenomenon. The Apartheid regime disadvantaged Black communities when it forced them out of their lands and placed them in less productive townships, as a way of controlling their social activities through legal segregation mechanisms such as the “Native Land Act of 1913, Native Land Trust of 1936, and Group Areas Act of 1950.”<sup>103</sup> Thus, the economic disparity in South Africa continues to be a major source of division in non-racial South Africa.

The acute level of poverty among non-white South Africans has placed the issue of land at the centre of the current economic and political debates in today’s South Africa. It highlights the question of land and its implications on other aspects of the transitional process in new South Africa. Land remains an important source of social, political, and economic conflicts in the world today. The conflict over land is much greater in

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101. Pew Research Center, Chart of the week: How South Africa Changed, and didn’t, over Mandela’s lifetime, <http://www.pewresearch.org/fact-tank/2013/12/06/chart-of-the-week-how-south-africa-changed-and-didnt-over-mandelas-lifetime/>.

102. World Bank, GINI Index, 2011, (<http://data.worldbank.org/indicator/SI.POV.GINI>).

103. Fouwien Bosman, “Land Reform: A Contextual Analysis.” *The FW De Klerk Foundation*, May 2007.

transitional societies, where individuals and communities have lost their lands through intentional systemic injustices. This problem is obvious in South Africa. Many black South Africans lost their land during the system of racial segregation. Nonetheless, the South African Truth and Reconciliation Commission did not address the question of land distribution at its proceedings to correct the imbalance the Apartheid created in South Africa. The issue of land has continued as a major thorny problem as the country is trying to move toward building a stable system of governance.

It is generally understood that the South African Truth and Reconciliation Commission did not tackle the questions surrounding land distribution as part of transitional process from the Apartheid system to democracy in South Africa because it did not have a legal mandate to do so. Therefore, land distribution has remained as an urgent issue that requires attention from policy makers in the country. Writing in the *Irish Journal of Public Policy*, Siobhan O’Sullivan has argued, “The land reform programme has been particularly controversial and criticized as inadequate and slow” in South Africa.<sup>104</sup> Because of this slow process in land reform, the issue of land in South Africa remains one of its most contentious problems, with a potential to derail the gains already achieved in the process of reconciliation.

### 4.3 Politics of Land in Southern Africa

Land has political implications in the whole region of Southern Africa. It carries sensitive political, cultural, and economic connotations. What makes land reform in South Africa even more urgent is the possibility that what happened in neighbouring Zimbabwe--- where the government forcibly took the land from white Zimbabweans and distributed it to its supporters--- may occur in South Africa in the near future. This scenarios is likely to happen if radical black political parties would win the elections. For instance, the former African National Congress (ANC) Youth League leader, Julius Malema, has

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104. Siobhan O’Sullivan, “Toward Democratic Justice? Land Reform in South Africa.” *Irish Journal of Public Policy* 2 (2011).

broken away from the ANC and formed his own political party, the Economic Freedom Fighters (EFF), expressing his support for Zimbabwean-styled action to seize land from white South Africans and distribute it to black communities living in poverty-stricken townships.<sup>105</sup> Politicians like Malema are appealing to the black constituencies that have remained below the poverty line in the new South Africa. Hence, there is a risk of conflict over land emerging in South Africa if care is not taken to address this issue before the spirit of reconciliation dissipates in the country.

The issue of land is coming up forcefully at this point in the South African transitional process because the amnesty arrangements and the reparatory mechanisms have not effectively addressed it as one of the core social issues in the country. The perpetrators of political violence in the post-Apartheid South Africa have received benefits from the reconciliation process, benefits that have not gone to the black communities. Most of the perpetrators of political violence— mostly white South Africans— have received amnesty and have been pardoned without facing trials. In this way, they have fully benefited from the amnesty provision of the TRC. Meanwhile, the victims of political violence are still facing different obstacles in receiving even the minimal developmental benefits the Truth and Reconciliation Commission had promised.

In fact, no one would deny the reality that the transition from Apartheid to democracy in South Africa has brought significant social changes. The fact is that black South Africans were able to vote for the first time in 1994 in the general elections to elect their government, but that democracy needs to put in place structures that allow people to enjoy freedom in essential areas of their lives. Consequently, for South Africans to protect their hard-won democracy, they need to see the benefits it can deliver to them in their daily lives. Better economic opportunities, an improved health care system, and greater educational opportunity would give them a reason to stand firm on the road to a stable future for all South Africans.

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105. Martin Cuddihy, "South African Politician copies Mugabe," Lateline, Australian Broadcasting Corporation, April, 2014.

<http://www.abc.net.au/lateline/content/2014/s3976392.htm>.



Despite these challenges, most South Africans acknowledge an improvement in relationships between different races in the country.<sup>106</sup> Relationships between different races in South Africa have improved because institutional segregation has disappeared. For instance, at the University of Stellenbosch's Museum, pictures and artefacts associated with Mandela are everywhere, something that no one would have imagined possible under the Apartheid system. Likewise, laws such as the Land Act of 1913 have become exhibits in the National Museum of South Africa. These changes are symbolic but are an important part of social change in South Africa.

At the same time, the social importance of the changes brought about in connection with the South African TRC has grown immensely. Dirk J. Smit has observed that the TRC has assumed the form of "civil religion" in the life of South Africans.<sup>107</sup> I witnessed it when I was in South Africa in 2014. The legacies of Mandela, Tutu, and other public figures receive a kind of reverence from most Africans, as these leaders are honoured for their roles in building the new South Africa. Events associated with their lives reflect defining moments for South Africa. For instance, in July 2014, the University of Stellenbosch brought together people from different racial and religious backgrounds to celebrate and remember the legacy of Professor Hayman Russel Botman, who passed away in June 2014.<sup>108</sup> A memorial service in his honour was important because he was the first non-white South African to become chancellor of the University of Stellenbosch when the Apartheid system ended in 1994. This event is part of what South Africans acknowledge as a step in the right direction in the area of race relations.

Another, perhaps more important symbolic event that I observed while in South Africa in 2014 and one that highlights progress in reconciliation in South Africa, was the twelfth Nelson Mandela Annual Lecture. The lecture on this occasion was delivered by the

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106. Ryland Fisher, "Challenge To Nurture Botman Legacy." *Weekend Argus Cape Town*, July 12, 2014, 21.

107. Dirk J. Smit, *Essays in Public Theology: Collected Essays I* (Stellenbosch, South Africa: African Sun Media, 2007), chapter 6.

108. Fisher, "Challenge To Nurture Botman Legacy."

Chilean President Michelle Bachelet and was entitled “Building Social Cohesion through Active Citizenship.”<sup>109</sup> The lecture reflected the experiences both Chile and South Africa have had in reconciliation processes. Michael Battle explains, “[the] Chilean National Commission on Truth and Reconciliation (NCTR) and the South African TRC both have similar mandates to go beyond truth finding to promote reconciliation.”<sup>110</sup> The similar processes leading to the promotion of reconciliation in the two countries have created an affinity between them which made the lecture an important public occasion. The lecture addressed critical issues in relation to social circumstances in building a stronger social fabric through education and participation in the political and economic life of the country. The lecture brought together South Africans from all parts of the country and important guests from other parts of the world to celebrate the legacy of the Nelson Mandela Foundation, in an event that was a display of unity among South Africans in the face of challenges facing the transition process in the country.

Significant themes came up during the lecture. They included tolerance, acceptance, inclusivity, and understanding among citizens. These themes are the building blocks of reconciliation because they allow people to gain confidence in the process of moving together into the new future. They are reflected in different conceptual explanations of the process of reconciliation different South African authors have put forward. They are part of social connectivity, which plays an important role in promoting societal cohesion. However, the question of economic inequality has not been resolved, and in this respect, the question of land reform and access to economic resources must be of crucial importance.

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109. “Nelson Mandela’s 12th Annual Lecture.” Nelson Mandela Foundation, 9 Aug. 2014.

110. Battle, “Truth and Reconciliation: From Chile to South Africa” in *Reconciliation, Nations and Churches in Latin America*, ed. Ian S. Maclean, 210.

#### 4.4 Land and Traditional African Faiths in South Africa

The connection between land and traditional African faiths is another factor that suggests the need for speedy land reform in South Africa. Most indigenous religious traditions emphasize human relationships with nature and have their roots in the land, so that when land was taken forcibly from black communities in South Africa, places of traditional worship were affected.<sup>111</sup> This experience has left deep resentments within the black communities. Any movement toward stable social order in South Africa has to consider this issue.

Most African communities practice ancestral veneration, for example, and burial sites therefore bear significant religious value and are important for cultural practices. Uchenna A. Ezeh in his book, *Jesus Christ the Ancestor*, has discussed a number of basic aspects of African Traditional Religion. He says, “The African Traditional Religion is part of the African heritage, which is historical, cultural and religious.”<sup>112</sup> In this case, the land is the pillar of this broad category of history, culture, and religion. The places where ancestors are buried are always symbols of faith and rallying points for communities. Ezeh adds that “places” bear “names” associated with “African Traditional Religion.”<sup>113</sup> This is an indication that places with the ancestral name of a particular family or group is traditionally their ancestral home. No one else would or should lay claim to it. The same rule applies to shrines and places of worship in general. This African traditional view of the land explains why Black South Africans are adamant in their aspiration of returning to ancestral lands lost during the Apartheid era.

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111. Z. Nkosi, “Spirituality, Land and Land Reform in South Africa.” *World Council of Churches (WCC)*, 1999.

112. Uchenna A. Ezeh, *Jesus Christ the Ancestor: An African Contextual Christology in the Light of the Major Dogmatic Christological Definitions of the Church from the Council of Nicea (325) to Chalcedon (451)*. Studies in the Intercultural History of Christianity (Bern; New York: P. Lang, 2003), 27.

113. *Ibid*, 35.

In his doctoral thesis on Land Restitution in South Africa, Stewart Gillian offers an important quote from South Africans wanting to return to their ancestral land: “the graves of our ancestors are our title deeds, and we will return.”<sup>114</sup> Black South Africans, as represented by this view, want to return to their ancestral land because they believe that the graves of their ancestors bear more legitimacy than any legal document anybody may produce when it comes to land ownership. The significance of this statement lies in the African understanding of land ownership. Land ownership in Africa is determined by ancestral links. An ancestral land is the place where ancestral spirits reside, but when people cannot access it because others already own it, they feel that the lines of communication between them and their dead relatives have been cut. Accordingly, they see the graves of their ancestors as a powerful symbol of the claim they are making. These claims are justified by the graves of ancestors, but the realities of modern laws in the new South Africa require a balanced approach to the issue of land reform in South Africa.

The ANC government tried to address these issues in its policy of 2011 by articulating the importance of land for indigenous cultures and ways of life in South Africa.<sup>115</sup> However, the ANC still employs the rhetoric of the struggle, and its policy on land reform has triggered sharp criticism among white politicians and political analysts in South Africa.<sup>116</sup>

At this point, the conflict between traditional African values and the economic needs of the modern state come into conflict. The F.W. De Klerk Foundation, for example, has

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114. Stewart Gillian, *MayibuyeIafrika! A Grounded Theology of Land Restitution in South Africa* (University of Edinburgh, 1997), 75; Ezra Chitando, "'in the Beginning was the Land': The Appropriation of Religious Themes in Political Discourses in Zimbabwe." *Africa (Edinburgh University Press)* 75.2 (2005): 220-39.

115. “Green Paper on Land Reform in South Africa,” Department of Rural Development and Land Reform, 2011; Leonard J. Weber, Bernard F. Evans, and Gregory D. Cusack, *Theology of the Land* (Collegeville, Minn.: Liturgical Press, 1987).

116. Suttner, Raymond. “Statement by the FW De Klerk Foundation on the Black and White Paper on Land Reform.” [www.Polity.org.za](http://www.Polity.org.za), 2 Nov. 2011.

argued for what it considers “responsible land reform” in South Africa, but it acknowledges the historical injustices that deprived black South Africans of land ownership in the country during colonialism and the subsequent period of racial segregation.<sup>117</sup> However, the Foundation supports the maintenance of large-scale farms for the viability of the agricultural sector in the country. It argues that large-scale farms are good for the South African economy because they produce enough food to compete in the global market with subsidized farm products in Europe.<sup>118</sup> The areas in which the De Klerk Foundation supports speedy land reforms are the urban centres, where the need for housing is growing.<sup>119</sup>

Although the arguments that the F.W. De Klerk Foundation has put forward are good, they do not address the black South Africans’ demand for equitable access for land, and the need for a solution is pressing. Ernst Conradie has quoted black South African theologian TynikoMaluleke, for instance, who conceives reconciliation in South Africa in the context of land reform. According to Conradie, “Tyniko believes that alienation of black people from their land, cattle, and making them into objects of cheap labour” is a major issue in the reconciliation process.<sup>120</sup> Land in this context will continue to dominate South African political and social debates in the years to come. However, since South Africans are interested in what unites them rather what divides them at this point, the hope is that they will eventually find a formula that will address land reforms in a way that promotes reconciliation and accommodates the needs of all South Africans.

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117. Fouwien Bosman, “Land Reform: A Contextual Analysis.” The FW De Klerk Foundation, May 2007.

118. *Ibid.*

119. *Ibid.*

120. Conradie, Reconciliation, a guiding vision for South Africa, 15.

## 4.5 The South African Transition and its Influence on Other Nations

South Africa is an important country in the political and economic map of the world, particularly in Africa. For this reason, social, political, and economic changes that take place there are followed with keen interest. The Truth and Reconciliation process there has received international attention because of this global significance. At this point, different societies facing social unrest at this time, especially in Africa, look to the South African TRC as a model of the reconciliatory process to emulate. It has set an important example by placing religion and politics into the centre of conflict resolution, which may be important for other African nations.

Although some theologians maybe sceptical about the involvement of Christian religious communities in conflict resolutions, arguing that theology and politics are best kept separate and that the question of faith is best seen as purely “spiritual” in character, there is a major strand of Christian theology which argues to the contrary. Within the Anglican tradition, for instance, one need only think of the classic twentieth century work in political theology, William Temple’s *Christianity and Social Order*, to see this point.<sup>121</sup> Closer to the argument of this thesis, Karl Barth clearly supported a cooperation between the Christian community and the state in his theology, arguing that where such collaboration could serve as a “parable” of God’s solidarity with the world, it was the Christian Church’s responsibility to engage in and not retire from it.<sup>122</sup> During the fight against Apartheid in South Africa, accordingly, a range of theologians appealed to Barth’s theology of reconciliation to advocate political change in South Africa. South African church leaders, theologians, and the state can still use the same theological ideas to promote equitable and informed discourse about land reform in the country.

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121. William Temple, *Christianity and Social Order* (3rd ed., London : SCM Press, 1950).

122. Green, *Karl Barth: Theologian of Freedom*, 266-267.

One major point to which appeal can be made, for instance, is the overall relational aspect of Barth's theology. Since Barth is against all forms of discrimination in his theology, theologians would be in a position to appeal to his ethics of reconciliation to analyse theologically the question of land distribution in South Africa. The theme of unity is central to Barth's theology of reconciliation. It has a universal application that provides room for theologically-measured and socially-engaged discourse in such situations. Our common humanity in Jesus Christ leaves no room for theological tolerance of discriminatory practices when it comes to questions of social order and governance. Land distribution falls within the framework of the laws governing the way of life in any nation. For South Africa, I would suggest, the question of land distribution needs to be addressed within the framework that brought the TRC into existence in the first place. What made the TRC successful was its independence and the transparent process that it involved. These aspects of independence and transparency, which were so important in the work of the TRC, need to be part of the discussion of the distribution of land. In this way, both black and white South Africans can share the land in a way that supports a meaningful social stability in South Africa, so as to keep reconciliation moving in a positive direction.

The South African model, in which the church and state join hands in search of solutions for national, communal, and individual problems, is crucial for South Africa's continuing transition process. For South Africa to maintain a global lead in conflict resolution, however, it needs to address current systemic issues that are standing in the way of full implementation of its Truth and Reconciliation Commission's recommendations. The South African people have invested their lives and resources in making it possible for a new South Africa to emerge out of the ashes of a uniquely brutal system of social segregation. The church and the state need to continue working together to address any shortcomings facing political, economic, and social stability.

Finally, the idea of reconciliation in the South African context rests on the national consideration of social functions, which cover all aspects of human interactions in the society. Consequently, the South African experience indicates that reconciliation is a process that finds its meaning in the social journey of the society. This transcends all

generations, and it is the responsibility of all citizens through their active participation in social dynamics of the society to keep shaping the concept of reconciliation for building a cohesive national identity within diverse structures. I shall argue that one way of understanding this dynamic is through the idea of fruitful investment in social capital.

## 4.6 Social Capital and the South African TRC

Social capital is an important theory in social science. It can be a useful tool for interpreting a social phenomenon in any given situation. I am using it in this chapter and on the chapter on South Sudan to illuminate the things that South Sudan may borrow from South Africa to promote reconciliation in South Sudanese communities as part of investment in social capital. I would like to suggest that those who designed and organized the South African TRC had in mind the importance of investing in South African social capital. This section briefly looks into the current state of South African TRC through the lens of social capital.

### 4.6.1 What is Social Capital?

Nan Lin defines social capital as an “investment in social relations by individuals through which they gain access to embedded resources to enhance expected returns of instrumental or expressive actions.”<sup>123</sup> In this definition, the contribution of individuals to strengthen social relationships in the community is paramount, but individuals need opportunities to flourish to make that contribution meaningful. I would argue that the South African TRC is a good example of investment in South African social capital in rebuilding social resources for the benefit of all South Africans. The first step South Africans took to invest in the social relations of different communities in the country was to stop the violence through a negotiated settlement of the conflict. Through negotiations,

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123. Nan Lin, Karen S. Cook, and Ronald S. Burt, *Social Capital: Theory and Research* (New York: Aldine de Gruyter, 2001), 19; John Field, *Social Capital. Key Ideas* (2nd ed., London and New York: Routledge, 2008); David Halpern, *Social Capital* (Cambridge, UK; Malden, MA: Polity, 2005).



the Apartheid regime was dismantled and replaced with a democratic system of governance, which champions equal humanity in South Africa. The second step South Africa initiated as part of its investment in social capital was the involvement of churches and other NGOs in conducting the proceedings of the TRC. The South African churches brought their social experiences into the theatre of social interactions. Perpetrators and victims came together to formulate the national narrative of the country. They knew that they were setting examples for themselves and future generations.

Furthermore, the South African TRC introduced the programme of amnesty, reparations, and recognition of historical wrongs to facilitate reconciliation of the whole nation. In a reconciled South Africa, individuals have access to equal opportunities through the network of communal protection. The protection of individual rights and freedoms in South Africa is an integral part of national investment in a long-term social capital of South Africa.

It has to be acknowledged, however, that such investment in social capital in South Africa is not a simple process, but a long-term one, because the dismantling of the system of racial inequality the Apartheid regime instituted in the country will take time and effort. One of the things that requires a major adjustment in South Africa, to help communities realize the benefits of their investment in social capital, is to address economic inequality and the question of fair land distribution. These are issues of great significance in the life of all South Africans, and they remain in the national spotlight for a possible solution.

The resolution of economic inequality and implementation of equitable land distribution policy would itself, of course, constitute a major investment in social capital if achieved. This would be a huge step in the direction of the realization of good returns on the investment which South Africans have made in the future of their country. The return South Africans are waiting for to see in their country is an unimpeded national unity, which is beginning to take shape, but which continues to need support.

## 4.7 Conclusions

The discussion in this chapter has focused on the current state of reconciliation in South Africa. It has identified the fact that, economic inequality, religious beliefs, race, land reform, and political affiliation as continuing sources of tension in South Africa twenty years after the end of the Apartheid regime. We have also explored the concept of reconciliation, and discovered that, despite its overall importance in the recent history of South Africa, it remains true that most South Africans have not understood what reconciliation stands for in the country. Different authors have tried to explain the concept of reconciliation, but I have found the discussion Sarah Hills has provided to be important in the debate about the meaning of reconciliation. Hills defines reconciliation in terms of Christian sacramental theology. It has been suggested in this chapter that Hills's definition of reconciliation in terms of sacramental theology indicates that religion will continue to shape the reconciliation process in South Africa.

I have further shown that the issues surrounding land distribution in South Africa remained a recipe for a potential future trouble in South Africa. The dispute over land in South Africa is made worse by the slow economic rehabilitation of black communities and the neglected role of traditional African faiths in their relationship with the land. These are issues that religious leaders again need to tackle in helping to mediate the continuing transition to peace.

The South African TRC has brought the church to the forefront of conflict resolution in South Africa. It revived a role largely lost to the church in the West, and re-expressed it in the South African political, economic, social, and cultural developments. It has further shown that the church in Africa is capable of making major contributions to social reconstruction on the continent. The role of the church in the implementation of the South African TRC is a demonstration that the church, despite its imperfections, can be an instrument of social justice. The South African case is proof that church's support of a just social order can make a difference in matters related to justice and governance in Africa.

The African church after the end of colonialism, however, has often taken a back seat when it comes to issues affecting the lives of ordinary Africans, including political and economic violence. It has made the leaders of the church allies of the political powers, rather than friends and advocates of the masses they have to shepherd, and whose rights they ought to defend against all tyranny and oppression. The role of the South African church in working critically against injustice and then with the political establishment to reconstruct a just society is therefore a wakeup call for all church leaders in Africa to work for a sustainable peace in the continent.

The contribution of the South African church to the reconciliation efforts and the pursuance of truth are thus potentially of great importance in Africa. Significant observations have emerged in this brief discussion of the background of South Africa's TRC. First, the existence of strong political and church leadership to guide the objectives of the TRC in the right direction made it possible for the process to make progress. Second, the establishment of a clear national goal, which favoured all South Africans of different races and persuasions, fostered the spirit of national unity. Third, the transparent nature of the TRC process, the equal treatment of victims and perpetrators of violence has made it a suitable model for resolving chronic conflicts in Africa and around the world. Fourth, the TRC's community-centred approach has been key in bringing all the South African communities on board and support the reconciliation exercise. Church leaders and theologians in South Africa successfully applied distinctive religious claims, including Karl Barth's theological ideas, in their opposition to Apartheid and in the reconciliation process. Fifth, the reconciliation process has been a dynamic one, which requires constant examination in order to meet the needs of the people. Sixth, while the TRC has not resolved persistent issues related to economic disparities and fair land distribution in the country, the overwhelming support for peace in South Africa is a source of stability and has enhanced the integrity of the TRC. Seventh, the South African church has successfully deployed its public role in uniting South Africans behind supporting reconciliation process. The conduct of the TRC's proceedings and the subsequent social changes constitute fruitful investment in social capital of new South Africa.

These positive contributions of the South Africa TRC are the ideas this thesis will argue need to be introduced into the South Sudanese situation to enhance the search for peace and reconciliation in the face of current destruction. The goal is to bring to public and political attention that the church is not just a house of prayer, but it can also be a place where positive support for social transformation may occur. We shall take up this question in the next Chapter.

## Chapter 5

### 5 The South African TRC and South Sudan

The influence of Christian churches in Sub-Saharan Africa remains a vital part of social life there, but the role the churches play in different African communities usually has limited influence on political establishments. However, the Christian communities of Africa have worked in facilitations of reconciliation and peace, where there have been conflicts. The sad part is that they have not effectively used their influence to support building of democratic values, protection of human rights, and good governance. The churches in South Africa, however, have clearly moved in a different direction. They have worked against injustice in the context of the anti-Apartheid struggle, and following the end of Apartheid, have sought to work alongside the political establishment in the facilitation of reconciliation, peace, and democratic transformation in South Africa. The South African model thus models new avenues the other African communities experiencing social and political problems may explore to promote peace within their societies.

One of the communities which can benefit from the South African experience of reconciliation, I wish to argue, is South Sudan. The reason that the South African TRC may fit the South Sudanese situation is that, like many other African communities, South African and South Sudanese communities appear to trust the church more than their governments. In addition, the Christian churches have shaped lives in both communities in many ways. The church in South Africa stood against racial injustices, and the church in South Sudan has supported social transformation for many years. It is, of course, important to observe that not all the aspects of the South African TRC will fit the South Sudanese narrative.

This chapter will briefly explain why the South Africa model is suitable for South Sudan. It will also explore the history of the church in South Sudanese society, by explaining the importance of the Christian institutions in the history of South Sudan. In addition, this chapter will argue that certain key elements of the South Africa's TRC can help South Sudan in its quest for peace, reconciliation between different groups, and the reconstruction of South Sudanese social identity. These ideas include legal reform, mapping, and designing of South Sudanese National Reconciliation. The conduct of the amnesty process will also be covered as part of the reconciliation exercise. Moreover, the model of reparative justice suitable for South Sudan will be proposed, and the final section will bring forward some recommendations for the South Sudanese church and state to consider as part of their efforts to support sustainable peace and stability in the country.

## 5.1 Why the South African TRC Model for South Sudan?

It is obvious that the situation in South Sudan is quite different from that of South Africa. However, there are two main points I wish to make in this thesis in arguing that the South African TRC can be a useful model for South Sudan. The first point relates to the required transparency in the quest for truth that has already been highlighted in the process of the South African TRC. The proceedings of the South African TRC were conducted in the full view of the public, and were open to public scrutiny. This transparent process gave the South African TRC a credibility that it needed in the eyes of South Africans and the eyes of the whole world.

In the aftermath of conflict, South Sudan needs a similar method of conducting its reconciliation process. It will be essential, in fact, for South Sudanese to see the process of reconciliation unfolding before them, truthfully and openly, and to get involved in it themselves with this same spirit in mind. The openness of the reconciliation process in South Sudan would provide a unique opportunity for government and other stakeholders to create an atmosphere of trust between different groups and communities in the country. Transparency in the process would minimize suspicion and allow citizens at the grassroots to participate in the process and own the initiative of reconciliation.

The second point that makes the South African TRC a useful model for South Sudan is the necessity of promoting a deepened understanding of and commitment to human rights in the country. The South African TRC affirmed for all South Africans of different races, religions, and cultures, that they have rights to live in South Africa as citizens protected by law as opposed to the caprice of one group, as happened under the Apartheid. The same thing needs to happen in South Sudan. Through a transparent reconciliation process, South Sudanese of different backgrounds and persuasions need to come together and build an inclusive system that promotes the human rights of all South Sudanese citizens. These two points are clearly crucial for South Sudan in the quest for reconciliation among its people.

## 5.2 The Christian Church in South Sudanese History

Churches in South Sudan are important institutions, which continue to stand as symbols of unity in the country. This observation does not assume that the churches in South Sudan have not been adversely affected by the current prevailing political and social situations, or that they have not sometimes failed in their mission. In some cases, church-related organizations have taken sides in the political debates underlying communal violence and civil war, but the main body of the church still commands considerable influence in the society. If the influence of the church in the country is used to support the right course of action at this time, it may help the new nation of South Sudan reconstruct its social truth and identity. In this context, the church leaders of South Sudan can learn from the South African experience of reconciliation, through which national unity was fostered through the work of the TRC.

South Sudanese society, in short, could gain much from adapting the model of reconciliation used in South Africa. Taking the example of South Africa seriously is important for South Sudan, because the country has gone through different transitional experiences without achieving cohesive social structures. It has not been able to establish stable and functional social institutions. As Andrew Natsios, a former UN envoy to Sudan has indicated in his recent book on Sudan, these transitional experiences have occurred within two historical epochs. They are the “historic Sudan” and the emergence

of South Sudan as a new nation.<sup>124</sup> The first transition for South Sudanese society began with the coming of British colonial regime into the Sudan in 19th century, which established the seat of economic and political power in Khartoum in 1899.<sup>125</sup> The colonial administration left social services in the then Southern Sudan in the hands of few Christian missions that had established their presence in the communities without adequate government involvement.<sup>126</sup> This administrative policy from the colonial era was, however, the beginning of the strong relationships between South Sudan and Christianity that are seen today.

The second phase of transition began when Sudan was about to gain its independence from Anglo-Egyptian rule in 1955, when Southern Sudanese rebelled against the government in Khartoum soon after discovering that they were excluded from participation in running the country.<sup>127</sup> That rebellion led to the Anyanya 1 War that lasted for 17 years. That conflict ended in 1972 with the Addis Ababa Agreement and the establishment of self-rule in Southern Sudan. The tranquillity following the 1972 peace agreement lasted for ten years before the second Sudanese civil conflict began in 1983, when the then military regime of President Numeiri abrogated the Addis Ababa Agreement. The conflict plunged Sudan into new and a devastating war. Most of the casualties of this war were civilians in the then Southern Sudan. This war ended in 2005 after the signing of the Comprehensive Peace Agreement (CPA) in Kenya.<sup>128</sup> The CPA set in motion a new phase of transition in Sudan. This transition became a major turning

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124. Andrew S. Natsios, *Sudan, South Sudan, and Darfur: What Everyone Needs to Know* (Oxford and New York: Oxford University Press, 2012), 14- 26.

125. Peter Woodward, *Condominium and Sudanese Nationalism* (London: R. Collings, 1979), Chapter 1.

126. Andrew C. Wheeler, "Christianity in Sudan." *DACB. Dictionary of African Christianity Biography*, <http://er.dacb.org/history/christianity%20in%20sudan.html>.

127. Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies--the Sudan Conflict* (Boulder, Colo.: Westview Press, 1987), Chapter 4.

128. UN Peacemaker, "Comprehensive Peace Agreement between the Government of Sudan and the SPLM/SPLA (with Annexes)," *UN Political Department*, 09 Jan. 2005.



point in the history of Sudan and brought a new beginning for South Sudan. For the first time in their history, the people of South Sudan were able to decide their destiny, and on January 9, 2011, their aspiration of having an independent state became a reality. However, the country had hardly recovered from the years of destruction when the politicians in the new state created the current conflict.

In all the stages of transition the people of South Sudan have seen, there have been few, or indeed no attempts by the authorities to create a sense of nationhood amongst its inhabitants. The majority of the communities of South Sudan have remained without any social development, in the absence of educational opportunities, for instance, or in the lack of economic development, or the reconstruction of social order. Therefore, no political system has ever tried to create a sense of identity or togetherness amongst South Sudanese, so that they might learn to live in peace as people of one nation.

Douglas Johnson has written that the British colonial Governor of Upper Nile Charles Willis created a “kururial” scenario in the 1920s.<sup>129</sup> Willis implicated the Nuer’s prophet GuekNgundeng in possible illegal activities against the imperial government in Khartoum, and did so without adequate “evidence” to support the accusation made.<sup>130</sup> The real intention of the colonial Governor was to introduce a policy of divide and rule in the region. He wanted to silence local dissent by recommending, “The Nuer and Dinka should be separated, and each developed along the lines of its customary law.”<sup>131</sup> This policy of separation between indigenous communities in Upper Nile continues to this day. Keeping the two communities apart seemed the easiest way to control them. In fact, these policies were not unique to the Sudan. They were similar to British policies in most African countries and beyond in the period.

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129. Douglas Johnson, “C.A. Willis and the “cult of Deng:” A falsification of the ethnographic record. *History in Africa* 12 (1985): 131-50.

130. *Ibid*, 134.

131. *Ibid*, 141.

However, when the British eventually left Sudan, the policy of divide and rule did not end. The northern political elites who inherited power in Khartoum applied the same policy, so as to weaken the unity of the communities in South Sudan, in order specifically to promote the policy of Arabization and Islamization. The negative impact these policies have had on social, economic, and political life in South Sudan is considerable, and the problems generated have remained unresolved. To begin to resolve these issues will require a body in the South Sudan that has great influence at the grassroots level of the society. Legal mechanisms alone will not be enough.

The only body that has tried to help the people of South Sudan move on the path to meaningful sense of belonging to one nation is the church. During the colonial period, for instance, the Christian missions oversaw education and other social activities in Southern Sudan when Ronald Wingate, British Governor General of Sudan, divided the region between different Christian missionary groups.<sup>132</sup> The Christian missionary groups offered a limited number of educational opportunities to children in different communities across Southern Sudan, but they did not have enough resources to run a comprehensive programme to educate generations of South Sudanese.

However, despite the limitations they had in terms of resources and support from the colonial authorities, the churches, and in particular the Roman Catholic Church, managed to plant the seeds of hope in the region through education (Table 1). The work of missionaries Dr. Ignaz Knoblecher, known locally as Abuna -\*Sulieman, and others like him has remained influential within the local cultures, and their efforts to encourage education were exceptional.<sup>133</sup> Knoblecher, in particular, made an important contribution in developing written forms of the “Dinka and Bari languages.”<sup>134</sup> This move facilitated

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132. Ronald Wingate, *Wingate of the Sudan: The Life and Times of General Sir Reginald Wingate, Maker of the Anglo-Egyptian Sudan* (Westport, Conn.: Greenwood Press, 1975; 1955), 147.

133. Adrian Hastings, *The Church in Africa, 1450-1950* (Oxford: Clarendon Press, 1994), 266.

134. *Ibid.*

the translation of the Bible into these languages. The following tables reflect the involvement of the church in education in South Sudan.<sup>135</sup>

Table 1: Catholic Mission schools

Schools in Bahr-el-Ghazal	Year established	Schools in Equatoria	Year established	Schools in Upper Nile	Year established
Wau	1919	Rejaf	1919	Lul	1901
Kayango	1931	Juba	1931	Tongga	1904
Mbili	1946	Lyria-Lella	1946	Detwork	1923
Mboro	1951	Kworjik	1951	Yoyniag	1925
KpailleRaffili	1952	Lotaya	1952	Kodok	1933
Kwajok	1952	Terekeka	1952	Tumeir	1949
DeimZubair	1952	Kit	1952	Oweei	1952
Bussere	1952	Kator	1952	Riangnhom	1952

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135. Lilian Passmore Sanderson, "Education in the Southern Sudan: The Impact of Government-Missionary-Southern Sudanese Relationships upon Development of Education during the Condominium Period, 1898-1956." *African Affairs*, 79,315 (April 1990): 157-169; Thomas P. Kedini, "The Suffering Church in the Sudan." *Anglican and Episcopal History*, 71, 2(June 2002): 150-167; MaweinMakol Arik, Initial Education work in Southern Sudan (1900-1955), <http://www.makolariik.org/initialEducation.html>.

Nyamlel	1953	Tore	1953		
Raga	1953	Tali	1953		
Mayen Abun	1949				
MayomAbun	1949				
Aweil	1950				
Warrap	1952				
Rumbek	1952				
Gornhiim	1953				
Tonj	1953				

Table 2: Anglican and American Presbyterian Missions' schools

Missions	Schools in Upper Nile	Year established	Schools in Bahr El Ghazal	Year established	Schools in Equatoria	Year established
Anglican Mission	Malek	1906	-	-	Lui	1921
American Mission	Doleib Hill	1924	-	-	-	-

After independence, the government of Sudan promptly took over those schools in 1957 and expelled the missionaries seven years later.<sup>136</sup> The Christian churches provided a glimmer of hope in education for South Sudanese in the past, but they did more than that. For instance, the World Council of Churches (WCC) and the All African Council of Churches (AACC) facilitated the ending of “the first civil war between the North and the South in 1972.”<sup>137</sup> Therefore, Christian churches have always helped South Sudanese come out of their predicaments, and may now continue to provide a glimpse of hope in fostering the spirit of unity in the face of current challenges.

At the national and international level, therefore, the Christian churches have led key activities in South Sudan in the past. Furthermore, at this stage, the Christian community in the country has developed sufficient administrative structures and leadership that can enable it to take the lead now in issues affecting the South Sudanese people. After independence, South Sudan needs its local churches to lead the project of national unity through reconciliation, which in turn requires, as in South Africa, a reconstruction of social truth in the country.

South Sudan’s social problems stem from different factors related to the unstable social system in its communities. Its problems emerge from weak socio-economic, political, and communal development, issues that have plagued the country for decades. Those issues have eroded among South Sudanese a sense of belonging to one nation. They have encouraged, to a large degree, withdrawal of communities from the national scene, and the pledging of popular support to local ethnic groups, which people consider in the absence of an alternative to be the backbone of their social security. JokMadutJok, a South Sudanese writer, has identified this phenomenon as that of “nations within a nation,” and this is the unfortunate social truth that has existed in South Sudan as a major source of conflicts for generations.<sup>138</sup>

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136. Lilian Passmore Sanderson, “Education in the Southern Sudan.”

137. Assefa, *Mediation of Civil Wars*, chapter 6.

138. JokMadutJok, *Sudan: Race, Religion and Violence* (Oxford: Oneworld, 2007), 39.

As South Sudanese are trying to move towards a nation building, it is important that they understand what it means for different communities to come together so as to exist as a single nation. Most of the time, scholars, the churches, and other concerned entities in the country have paid little attention to the reconstruction of social truth in the country that promotes shared national heritage. The focus has been overwhelmingly on the existing problems between the north and the south, but the internal cohesion of South Sudanese society has been neglected. It is time for the churches in South Sudan to take the lead in helping the country to see itself with fresh eyes, and along the way, to build democratic values and support for the rule of law, which together with new educational and economic opportunity can begin to address the needs of the people.

However, the rule of law and democratic values will work well in South Sudan only if citizens understand the significance of national existence. This means that South Sudanese nationalism must transcend ethnicity before the features of the modern state take root in communities. Benedict Anderson explains, “Nation is an imagined political community— and imagined as both inherently limited and sovereign.”<sup>139</sup> This description of the state as an imagined political community is true of all states in the world because the simple historical fact is that empires and kingdoms thrived in the past, but they no longer exist. New entities have emerged in their place. This historical fact indicates that national survival depends on the prevailing economic and political climate in the world, and upon citizens’ protection of their nations through functional political systems.

If we look closely at the nations of the world as imagined political communities, we find that nations are not made up of one ethnic group, and this entails that different ethnic groups may exist within the borders of a nation. And it is not surprising to see that there is no single African country that comprises one ethnic community. Most of them are made up of many ethnic communities, but some of them are functioning well because they have built their identities on the basis of a single, broader national identity capable of

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139. Benedict Anderson *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London England: Verso Editions and NLB, 1983), 6.

accommodating differences. Therefore, ethnic diversity is not in and of itself an insurmountable problem. It is the misuse of ethnic differences for political reasons which cause trouble. Such misuse of ethnic identities for political reasons is what is causing problems in South Sudan. The way forward for South Sudan, therefore, so as to reverse the negative impact of regional and ethnic-based politics, is to learn from other African nations to manage ethnic differences and build a political system that accommodates all groups.

In this case, ethnicity in South Sudanese society needs to be transformed into a constructive concept that supports South Sudanese national identity. This is important because ethnic identity needs to be seen as something that can survive and thrive within a strong and free nation of South Sudan. Herbert Adam, in his discussion of “ethnic policies” in South Africa suggests that, “Ethnic identity waxes and wanes not only in response to group members’ own perceived needs, both instrumental and symbolic, but also in response to imposed identities by outsiders.”<sup>140</sup> Adam’s observation is that ethnicity has its shortcomings, which makes it vulnerable to outside influences. It does not necessarily meet all the social requirements of its members. We have seen that the Apartheid regime in South Africa tried to put in place tough racial and ethnic divisions, but they did not work. The system of racial categorization did not work in South Africa because racial and ethnic boundaries are at best illusionary. They are extremely inadequate for any group to rely on for its survival.

The limitations of ethnicity, however, do not mean that people cannot maintain their ethnic identity within a wider, diverse nation. People can by adopting social formulae that not only help them understand themselves better, but that also help them to live in peace with their neighbours and establish a common goal for their country. This idea of a common goal is key. For instance, during the years of struggle for economic and political freedom, the South Sudanese had a common goal, which focused on achieving an independent state. The importance of achieving this goal was evident in the enthusiasm

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140. Herbert Adam, “The Politics of Ethnic Identity: comparing South Africa,” *Ethnic and Racial Studies* 18/3 (1995): 457-475.

that came with the referendum in 2011. No one expected this enthusiasm to evaporate so quickly, but it did before the third independence anniversary. Things happened this way because, I suggest, in the absence of a larger vision, ethnic identity was misused for factional political purposes. For South Sudanese to emerge from the problems they have now, they need to examine their understanding of national identity.

In the current power struggle in the country, there is little consideration for the wellbeing of the diverse communities existing within the borders of South Sudan. The idea of national identity has disappeared from the minds of many South Sudanese. In this situation, the country remains as a political entity without clear directions. What South Sudanese of different ethnic backgrounds need to consider is that everything has its “limitation” including the ability to fight. The best thing South Sudan can do for its people is to help them to realize that the problems the country is facing might occur anywhere in the world, were it not for those institutions and attitudes that generate alternative, and better prospects for people. The difficulties facing South Sudan fall within the description of the state that Benedict Anderson has provided, which entails that “sovereignty” and political power of any state are not in and of themselves necessarily reliable.<sup>141</sup> They need popular consensus in order to work, and such popular consensus in South Sudan will require investment in social capital.

When South Africans from different racial backgrounds finally reckoned with the inherent violence and unreliability of the Apartheid state’s sovereignty and political structures, they set down and adopted ways of constructing a newly-imagined political community, and invested energy in making this imaginary political community work for them. South Sudanese can do the same thing, at a number of levels, but crucially, with the help of faith communities in the country and beyond.

The emergence of the discipline of transitional justice and post-conflict reconstruction as a way of helping shattered societies rebuild their systems may offer resources upon which

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141. Anderson *Imagined Communities: Reflection on the Origin and Spread of Nationalism*, 6.



South Sudan can draw in order to join other nations such as South Africa on the path to reconciliation. The nations that have successfully tried this process are now enjoying greater peace and a more stable social order. The reconstruction of social order in South Sudan must begin, however, with the introduction of a fair and independent legal system that encourages all citizens to develop a sense of responsibility and of belonging to one nation that does not arbitrarily privilege some at the expense of others. South Sudanese citizens' assumption of such national responsibility, as stakeholders in a society with a future, will constitute an important and time-consuming, but necessary phase of the reconstruction exercise. It is this that has been missing in the transitional phases through which South Sudan has gone to date, which did little to bring about the necessary social changes to create a climate of national unity. The time for making these necessary changes is now.

The transitional justice process is already promoting peace and reconciliation in many societies that have seen strife and injustice for a long time. Academics, politicians, and civil societies around the world are discussing it in length. Melissa W. Williams suggests that in places where there have been conflicts, "transition to peace involves stabilizing measures of various kinds to prevent the re-emergence of a conflict."<sup>142</sup> The transitional justice approach requires different elements of social work in transitional societies, moving the discussion beyond conflicting relationship among people of a particular community towards trying to establish peaceful co-existence amongst citizens. Such a process underscores the flexibility of transitional justice. Jon Elster notes that justice needs to be clearly established to build trust among citizens.<sup>143</sup> Building trust among citizens serves as one of the key measures that can stabilize a conflictsituation. It also makes it possible for people to gain confidence in the process. Nonetheless, transitional justice is a complex process, and its complexities require different approaches, applied with contextual sensitivity, some of which may or may not succeed in some cases.

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142. American Society for Political and Legal Philosophy, *Meeting, et al, Transitional Justice* (Vol. 51 New York: New York University Press, 2005), 79.

143. Jon Elster, *Closing the Books: Transitional Justice, historical perspective* (Cambridge, UK; New York: Cambridge University Press, 2004), 79.

One of the important approaches in transitional justice and post-conflict reconstruction that scholars have examined is the idea of “justice from the bottom up.”<sup>144</sup> Justice from the bottom up offers in some ways greater chances to communities and individuals to take part in the process of determining those modalities necessary to promote fair justice in transitional societies. It allows ordinary people to provide suggestions and take responsibilities in leading the process. In South Sudan, justice from the bottom up can be incorporated into a traditional way of conflict resolution known as community-to-community dialogue, to increase grassroots participation in the reconciliation process.

### 5.3 What can South Sudan learn and adopt from South African Experience of Reconciliation?

There are central lessons that South Sudan can learn from the South African experience of reconciliation and political transition from Apartheid to democracy, and lessons that the churches of South Sudan need to learn from it as well. South Africa’s transition was a journey that both the political establishment and the churches made together. The churches did not come into the national political scene during the implementation stages of the TRC, but they stood against racial segregation in the country until its demise. They opposed Apartheid as part of their witness to the truth of the gospel. Their presence in so many key spheres of social life in South Africa made them major stakeholders in the redefinition of the political future for the new South Africa. South Sudanese churches have the same basic role in South Sudanese society, and they should do the same thing by getting involved in intentional and informed ways in the reconstruction of the future of the country. There is a particular need for a parallel in South Sudan of the South African TRC. The achievements of the South African TRC, which offers South Sudan a unique opportunity to achieve sustainable peace and stability, lie in the broad areas of restoring confidence in the justice system and in the reconciliation of communities and individuals. What is needed, therefore, is the introduction of a fair legal mechanism into South

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144. Patricia Lundy and Mark McGovern, “Whose Justice? Rethinking Transitional Justice from the Bottom Up,” *Journal of Law and Society*, 2008, 2(35): 267; Rosalind Shaw, Lars Waldorf, and Pierre Hazan, *Localizing Transitional Justice: Interventions and Priorities After Mass Violence* (Stanford, Calif.: Stanford University Press, 2010).

Sudanese social life, one that guarantees the liberties of all citizens and establishment. The initial step required is, I suggest, the establishment, through a constitutional mandate, of an independent South Sudan Truth and Reconciliation Commission.

### 5.3.1 Reconstruction of the Legal System in South Sudan

The first step toward sustainable peace that South Africans took to pursue meaningful reconciliation was to put in place a justice system that had the confidence of citizens. The reliability of the South African justice system depended on two things. It needed to be independent and publicly demonstrate key elements of fairness and credibility in the eyes of the public. It was, in effect, through this commitment made to an independent legal system that the South African TRC itself came to being, and without it the success of the TRC would have been inconceivable. South Africans from all racial backgrounds and persuasions placed their hopes of achieving justice through reconciliation and national unity in their legal system. South Sudan needs a similar legal system before it takes on the reconciliation process.

The creation of a credible and independent justice system in South Sudan requires that a number of things happen before meaningful reconciliation can begin. First, the process requires popular participation in the development of the legal system, so that individuals and communities understand their constitutional rights and responsibilities in relation to it. Popular participation in the development of the legal system would allow, for instance, incorporation of some elements of traditional laws into the constitution. When laws protect the interests of the people they govern, and are perceived to secure their interests, the chances are people will actually trust the legal system and observe its requirements. The current interim constitutions of South Sudan, and the existing legal system do not meet the basic requirements of a stable society based on recognition of human rights in the country. A report in 2013 by the United States Department of State alleged that people in South Sudan are subjected to arrest without proper legal explanation.<sup>145</sup> The

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145. United States Department of State, “South Sudan 2013 Human Rights Report.” Bureau of Democracy, Human Rights and Labor, 2013.

report went on to suggest that “abductions, disappearances, and extra judiciary killings...are also common in the country.”<sup>146</sup> The report explores the weaknesses in the constitution and the overall justice system in South Sudan. This weakness in the legal system has inadvertently promoted the impunity of the warlords, general lawlessness, and corruption in every level of government in the nation. South Sudan has a long way to go before it puts in place credible justice system to uphold the principles of human rights for its citizens and a major investment in social capital is required in order to restore balance and secure a safe and prosperous future. International agencies, the churches, and other interested parties would do well to pay attention to this central question, since without it, other efforts at reconciliation will be bound to fail.

Second, and as a concrete example of the kind of initiative required, the new South Sudanese legal system, like the one that came into existence in South Africa, should consider incorporating International Criminal Court standards into its criminal code. If South Sudan adopts standards based on international criminal law, this would give the country confidence in the new system, and people would reap benefits from a justice system that discourages impunity and ensures accountability in the governance of the country.

Third, traditional elements that impede transparent conduct of the business of social interactions between communities in the country should not be allowed to creep into the constitution unchecked. The South Sudanese need a level playing field to begin a journey together to create an inclusive national narrative where each and everyone have a secure place without resorting to ethnic violence.

### 5.3.2 The Road to South Sudanese National Reconciliation

Once an independent and trustworthy legal mechanism is in place, the road to reconciliation in South Sudan will not be so hard to travel. The communities in the country have seen nothing but violence and suffering for over fifty years now. They long

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146. *Ibid.*

wholeheartedly for peace, reconciliation, and prosperity. What stands as the main obstacle to peace and reconciliation in South Sudan is the problem of ethnic political agitation, which in large part came into South Sudanese society during the period of colonial rule. Any political solution to the problems of South Sudan needs to be aware of this situation, and develop strategies for dealing with it in bringing people together instead of driving them apart.

Many writers have dealt with the socio-political, historical issues of Sudan and the emergence of South Sudan as an independent state. They have identified religion, ethnicity, and national identity as major causes of the problems in former Sudan. For instance, Francis Deng has discussed these issues as the underlying problems in the Sudan.<sup>147</sup> In fact, these factors played a significant role in the break-up of the country. Unfortunately, the same problems have existed in South Sudan since independence. But the political establishment in the country has never proposed a possible solution, which would adequately provide better ways to reduce the impacts of those factors on the social fabric of the country. As a result, South Sudan has been unable to avoid the tensions generated between its different communities, nor has it made a significant effort to develop the kind of social consensus or institutions required to move to a state of reconciliation.

Social “otherness” has, in fact, been preached for so long in South Sudan that it has reduced the agenda of nation building to a less important place within the national political debate. This policy began with Ronald Wingate’s “division of South Sudan into Christian religious spheres of influence.”<sup>148</sup> That colonial division, even though meant mainly to serve administrative purposes, has increased political and regional importance, sometimes allied with ethnic dimensions. It has become a major source of “otherness” in

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147. Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington, D.C.: Brookings Institution, 1995), 101; Heather J. Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race." *African Affairs* 107.426 (2008): 21-43.

148. Wingate, *Wingate of the Sudan: The Life and Times of General Sir Reginald Wingate, Maker of the Anglo-Egyptian Sudan*, 147.

South Sudan, which unfortunately leads sometimes to deadly confrontations. The negative impact of this policy on South Sudan's social cohesion has remained to this day. (See the map, Figure 1 below.)

**Figure 1: Map of South Sudan**



Map of South Sudan Reflecting Colonial Divisions<sup>149</sup>

The policy of divide and rule was far more evident during the second civil war between the South and North of Sudan. The civilian communities from which fighters came were perceived by the northern government to be potential enemies, and were considered legitimate targets. Local militias working on behalf of the regime did not hesitate in attacking these “enemies.” One of the groups that the government of Sudan supplied with weapons to fight against the Sudan People's Liberation Movement/Army (SPLM/A) led by John Garang was the South Sudan Defence Forces (SSDF), which were comprised of separate Nuer and Murle militias.<sup>150</sup> Most of the SSDF militias participated in the “Bor

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149. Daniele Mezzalana, Brightgalrs at en.wikipedia [Public domain], from Wikimedia Commons. <http://upload.wikimedia.org/wikipedia/commons/4/43/SouthSudanStates.svg>. The three areas in question are: 1. Upper Nile (yellow): the Anglican and Presbyterian Sphere of influence; 2. Bahr El Gahzal (dark green): the Roman Catholic Church's sphere of influence, with Anglicans in the east; 3. Equatoria (light green): the Roman Catholic sphere of influence in Eastern Equatoria and the Anglican Church in Central and Western Equatoria.

150. Matthew B. Arnold, “South Sudan Defence Force: patriots, collaborators or spoilers?” *Journal of African Studies*, 45, 4(2007): 489-516.

Massacre of 1991.”<sup>151</sup> The reaction that came from the SPLA against the attack on Bor was as destructive as it could be on Nuer communities.<sup>152</sup> The attack of the militias on Bor was driven by ethnic hatred, and the political desire to weaken the power base of the former leader of the SPLM, John Garang. The negative roles those forces played in the war that led to independence in South Sudan are still raw. Their memory, in fact, a major part of the current crisis, which illustrates how the need for a transitional justice approach in South Sudan, is very real.

Different agencies, particularly the UNMISS, have documented grave human rights violations in the current crisis.<sup>153</sup> These violations have included unprecedented levels of sexual violence, and the killing of civilians, even in the places of worship.<sup>154</sup> These developments have their roots in the harsh realities of economic, social, and political life, which has gone through tremendous distortions in the last fifty years in Sudan. The current cycle of violence in South Sudan is a continuation of the violence that existed in the former Sudan.

There is a realization among ordinary South Sudanese that the existing culture of violence will lead them to ultimate self-destruction, but they do not have power to effect change. They now want peace, but peace will not come until the political class in the country abandons its violent power struggle. The political elites in the country need to build a sense of South Sudanese nationalism that transcends petty sources of conflicts. They will, however, require help in doing so from external agencies and from civil society in general, including specifically the churches.

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151. *Ibid.*

152. Sharon E. Hutchinson, “A Curse from God? Religious and political dimensions of the post-1991 rise of ethnic violence in South Sudan,” *The Journal Modern African Studies*, 39, 2(2001): 307-331.

153. South Sudan Human Rights Commission, *Interim Report on South Sudan Internal Conflict, December 15, 2013 – March 15, 2014*; United Nations Mission to the Republic of South Sudan (UNMISS): *Interim Report on Human Rights: Crisis in South Sudan, 2/21/2014*, and *Conflict in South Sudan: A Human Rights Report*, 8 May 2014.

154. *Ibid.*

Thus, the two legacies of external domination in South Sudan, represented by the British on the one hand and North Sudan on the other, have reduced the spirit of unity among South Sudanese to a dangerous level. To bring about change in this situation, I suggest, will ultimately require cooperation between the state and civil society in the country, working together in order to rebuild the broken trust between communities. Nobody could deny that reconciliation in South Sudan will be difficult, but I believe that it is achievable through appropriate mechanisms. However, the appropriate mechanisms of achieving reconciliation and national unity in South Sudan will not come from the government and political establishment alone. They will come from the joint efforts of the government, the church and other non-governmental actors in the country.

The role of the church and other non-governmental actors will be to help South Sudanese to deconstruct the legacies of colonialism and place them in their proper places in history. These historic injustices should not continue to be the defining factors in South Sudanese society after independence. Fighting over ethnic identities is a waste of human and material resources, and clearly, there is nothing wrong with being members of different ethnic groups, which can live in one country in peace and harmony. Minor cultural differences that become the main source of political and economic privileges in the society should not be allowed to stand in the way of lasting peace in the country.

Elke Grawert has identified the importance of the “Concept of New Sudan,” as a “social-political entity to which all Sudanese pledge undivided allegiance irrespective of race, religion, or ethnic groups.”<sup>155</sup> However, the initiative of developing a New Sudan has remained in the shadows because of the persistent problems that stem from the “old” Sudan and that revolve around the “division of resources, religion, and identities.”<sup>156</sup> These lingering issues have not received adequate treatment to date in the effort to build a new South Sudan, in which the process leading to reconciliation has effectively collapsed. The question of reconciliation needs to be revived, however, if an independent

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155. Elke Grawert, *After the Comprehensive Peace Agreement in Sudan* (Woodbridge, Suffolk: James Currey, 2010), 30.

156. *Ibid.*



South Sudan is ever to flourish. Only this has the potential for reducing fighting over identities, which is now causing problems in the new nation of South Sudan. Re-evaluation of the “imagined” concept of the “new” Sudan may promote the reconstruction of new South Sudan, in short, and bring about a major social reconstruction of the truth in the country — including a re-examination of the role of traditional beliefs and religions.

The fact is that traditional beliefs and religions have also had some influence on recent events in South Sudanese society. The major traditional religious figure whose influence has impacted upon the situation in South Sudan is the Nuer Prophet Ngundeng Bong. Historian Douglas Johnson has mentioned that Ngundeng’s religious and political influences within his Nuer and neighbouring communities caused a rift between his son and the British colonial authorities in Khartoum in 1927.<sup>157</sup> However, the trouble between Ngundeng’s son and the colonial authorities was not the first occasion for such tension. According to Johnson, the Anglo-Egyptian authorities set on fire Ngundeng’s village in 1902.<sup>158</sup> Johnson adds that the events leading to the confrontation between Ngundeng and the government were part of ethnic feuds between the Dinka and the Nuer in Upper Nile.<sup>159</sup> Given the history of rivalry between the Dinka and the Nuer communities in Upper Nile, the Dinka community in the region could have been uncomfortable with Ngundeng’s influence and alleged that the prophet was working against the government. Since the colonial authorities were sensitive to any such unrest, they attacked, and burnt Ngundeng’s village to pre-empt any possible rebellion. All of those events are sources of the ethnic rivalry that continues in the country to this day.

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157. Johnson, “C.A. Willis and the “Cult of Deng:” A Falsification of the Ethnographic Record,” 131-50.

158. Douglas H. Johnson, *Nuer Prophets: A History of Prophecy from the Upper Nile in the Nineteenth and Twentieth Centuries* (Oxford Studies in Social and Cultural Anthropology (Oxford: Clarendon Press, 1994), 117; E.E. Evans-Pritchard, *Nuer Religion* (Oxford: Clarendon Press, 1956).

159. *Ibid.*

The same traditional religious ideas have surfaced again and are influencing the current political climate in South Sudan. Some of the Nuers' politicians are trying to use the prophecies attributed to Ngundeng in the current crisis. The return of Ngundeng's "rod" from Britain shortly before South Sudan's independence, for instance, has heightened the political ambitions of RiekMachar, who apparently believes that Ngundeng's description in his prophecies of a left-handed leader that would emerge in South Sudan fit him.<sup>160</sup> These events and beliefs call for a comprehensive approach to the situation in South Sudan, which includes open and transparent discussion of its history and religious beliefs.

Recent research done by some NGOs has followed the line of identifying some of the root causes of social upheaval in South Sudan, but there is no major suggestion on what should be done to address these upheavals. Elizabeth Lacey and Frienderike Bubenzer, South African researchers from the Institute for Justice and Reconciliation, have done some research about the conflict in Jonglei State and gender issues in the whole country. Although their work brings to light major issues in South Sudan, they have focused their attention on gender issues as a way forward to promote reconciliation in South Sudan.<sup>161</sup> Issues related to gender in South Sudan are important, but they are not enough to impact social structure and reconciliation in the society unless they are part of the bigger picture. We need to study these issues and find an inclusive model of reconciliation, which provides adequate tools to begin to resolve them.

## 5.4 The Church and the South Sudan Reconciliation Process

Since the Christian church in South Sudan forms a vital part of social life in its communities, it is clearly necessary that the church should have a stake and take a major

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160. Martin Plaut, "South Sudan: RiekMachar and the Prophet's Rod." Martinplaut Blog, 06 Mar. 2014.

161. Elizabeth Lacey, "Restive Jonglei: From Conflict's Roots, to Reconciliation." IJR. Institute for Justice and Reconciliation, 2013; Frienderike Bubenzer and Elizabeth Lacey, "Opportunities for Gender Justice and Reconciliation in South Sudan." *IJR. Policy Brief*, 12(July 2013); James Copnall, *Poisonous Thorn in Our Hearts: Sudan and South Sudan's Bitter and Incomplete Divorce* (London, UK: C. Hurst, 2014).

part in the work of social reconstruction in the country. The church, throughout the years, has made a major contribution to cultural and educational development in South Sudanese society. It has established deep roots in all the communities of South Sudan. For South Sudan, therefore, to overcome its current troubles, the church in the country must be equipped to take up a central role at this time, so that it is able to work with the political establishment to address the problems affecting the country. I would go so far as to suggest that, in large measure, the building of economic, social, religious, and cultural relationships between the people of South Sudan requires the church to take over the process of reconciliation in the nation.

The church has grown immensely in South Sudan in recent years, especially during the civil war (1983-2005). Many South Sudanese during the war sought solace and comfort in the Christian faith, apart from the material assistance the church provided from them to survive from day to day. Throughout the conflicts, the church was the largest agent of reconciliation in South Sudan. This relationship continues to flourish, and at this point, over sixty percent of South Sudanese are Christians (Table 4). Therefore, the church is in a position to reach as many South Sudanese as possible to deliver the message of peace and reconciliation.

The reconciliation process in South Sudan is an important public obligation for the church to be involved in. The process can bring theology into the public arena, not as a factional political tool, but as a promoter of peace and unity among the South Sudanese populace. The effective role of Christian public theology is obvious in the South African case, in which the church stood with the oppressed against social injustice, and in which the church worked for democratic reform. The church in South Sudan needs similarly to stand with violence-affected South Sudanese communities, and for a democratic future. The social injustices the people of South Sudan are facing are unnecessary wars, internal violence, poverty, and corruption. The church in South Sudan cannot stand neutral in the face of these challenges. The church must be a guardian of the reconciliation process in the country in order to help resolve these problems.

The suggestion that the South Sudanese church must take a central stage in conducting a future reconciliation may seem a radical proposal to some, but to reject the possibility would be extremely short-sighted. In principle, for example, the church has always functioned as a link between South Sudanese society and the outside world. This special relationship in fact began when Ronald Wingate divided the region among Christian missionaries. In this context, the trust the Christian church enjoys in the communities places it in an indispensable position to serve the interests of South Sudanese in their time of need.

For a reconciliation process to succeed in South Sudan, furthermore, the process needs to be a community-centred approach. A community-centred process of reconciliation requires social discourse that builds trust between different communities for viable social reconstruction. If the reconciliation process in South Sudan is centred on its communities, the process will ensure the participation of victims in building an inclusive national narrative. An important part of building such an inclusive national story is that it should dispel the perception of marginalization prevalent in South Sudan. It will also ensure that the reconciliation process will not just be between the parties to the conflict, but that it would support a truly national and inclusive agenda for social reconstruction of the country.

The encouraging scenario in the search for peace and reconciliation in South Sudan is that civil societies outside the church are also taking their roles seriously. They are ready to make a substantial contribution towards finding some credible means to conduct truth and reconciliation exercise in South Sudan. After the events of December 2013, David Deng from the South Sudan Law Society (SSLS), for example, “proposed a truth commission,” which would examine different hidden “truths of South Sudan from 1972 to the present?”<sup>162</sup> Such a proposal is an indication that civil society in South Sudan is

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162. David K. Deng, “Truth and Dignity Commission: proposal to reconcile the many truths of South Sudan from 1972 to the present,” *Working Paper, South Sudan Law Society (SSLS)*, August 2014.

already aware of its critical role in the rediscovery of the lost South Sudanese national truth.

The Law Society of South Sudan is one of many non-governmental organizations that have limited association with the church, but they should be aware of the tremendous influence of the church in South Sudanese society. What remains true about the non-governmental organizations in South Sudan is that, they do not have established history in South Sudanese society. Most of them are new, and they need church's help to be able to navigate the South Sudanese social situation effectively. Their awareness of the church's power in the society should encourage them to cooperate with the church more unreservedly, so as to benefit from the resources that the church has at its disposal for peace building. As in South Africa, such cooperation between the church and other branches of civil society in South Sudan is prerequisite for a successful transition from violence to peace in the country after the events of 2013. We have seen what the church is capable of in the case of South Africa. South Sudan needs to try the South African way and design its reconciliation process accordingly.

#### 5.4.1 Design of South Sudan Truth and Reconciliation Process

One of the features that distinguish the South African Truth and Reconciliation Commission from other commissions is its design. Its design focused primarily on the community, and the community was the whole nation of South Africa. The victims, perpetrators of violence, politicians, the rich, and the poor were part of this process. The conscious inclusivity of the South African TRC was the reason for its success.

South Sudan needs to follow in the footsteps of South Africa and establish a Truth and Reconciliation Commission in a way that similarly focuses attention on the needs of the whole society. What is obvious here is that a South Sudanese TRC could not adopt all elements of the South African TRC, because the nature of the conflicts in the two countries is so different. However, the goal is not different. What South Sudan requires most is peace and social reconstruction. I suggest that, to this end, a truth commission should be established through a constitutional mandate, with a name such as, "The South Sudan Truth and Reconciliation Commission for Peace and Social Reconstruction."

Terms like truth, reconciliation, peace and social reconstruction will require specific explanation to conform to the South Sudanese situation. What they meant in other nations where the transition from war to peace has occurred may not be what they mean in the context of South Sudan. I will accordingly make an attempt briefly to explain these terms in the context of South Sudan social life.

#### 5.4.2 Truth

For South Sudanese living today in and outside the country, the real condition of life as they know it is violence and all its consequences. Violence has created an immense social change in the lives of ordinary South Sudanese, to the point that they cannot hold to account the leadership that promotes nothing but war. The true nature of South Sudan, which is unity in diversity, has been buried in ethnic rivalries. This needs to be restated very clearly: South Sudan is a diverse community of people who must learn to live in peace in the one land they all share. Its people have no choice but to accept their differences — and similarities — and use them for mutual benefit. All of this requires peace, through an investment in social capital, in order to build the society that people desire, one that serves its people according to their needs. Therefore, unity in diversity is the social truth that South Sudan needs to discover and strengthen. Its establishment, and the generation of shared, meaningful social discourse about it, would be a significant step forward in the direction of social understanding in the communities. Social truth, in this case, is the acceptance and making improvement in the prevailing social conditions in the society to promote dialogue. The search for national truth helped South Africa come out of the system of extreme racial segregation and find a common ground in humanity for its diverse people, and similar things can be hoped for in South Sudan.

#### 5.4.3 Reconciliation

It is in relation to such truth grounded in the unity of the diverse communities that we can define the concept of reconciliation in the context of South Sudan. South Sudanese reconciliation would involve a process of putting in place a social order that accommodates all South Sudanese. Such an order would allow the communities, the ethnic groups, and individuals to flourish in freedom for the benefit of the whole society.

One may say that such a strategy would be such as to achieve a reconciliation that reflects the African concept of Ubuntu, which was (as we have seen) used in the South African context by, among others, Desmond Tutu. The philosophy of Ubuntu articulates the broad way in which African communities understand their ideal society. In the philosophy of Ubuntu, society is the source and base of all human existence, and individuals exist because there is such a community.<sup>163</sup> In keeping with such values, reconciliation in South Sudan must entail the rebuilding and regenerating of trust between communities. Building trust between different ethnic groups and the establishment of a safe environment for unhindered cultural and religious practices is the ultimate reconciliation that South Sudan needs. Its basic need is to reduce fear and promote harmony between communities. Thus, reconciliation in the South Sudanese society will require the ability of all communities to accept unity in diversity and peaceful co-existence and for this, intentional effort at the building of such social capital will be needed.

#### 5.4.4 Social Reconstruction

The promotion of harmonious relationships between communities is the process of social reconstruction South Sudan needs. A harmonious relationship between the communities is necessary because South Sudanese are only beginning the journey into the unknown future of building a unitary state, but many communities do not understand their roles in that entity called South Sudan. Many communities in South Sudan do not understand well this new territory. Their present loyalty lies largely in ethnic identities, since these seem relatively secure, rather than in the unknown quantity of the new unitary state. The unreliable assumption too often made here is that the survival of communities at the national level in South Sudan depends on their use of violence and intimidation. Violence is happening because all communities, individuals, and political system have no confidence in any alternative. For this reason, the social reconstruction of South Sudanese society requires a model of transitional justice such as the one that South Africans have used, which should include amnesty, reparations, and other forms of justice.

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163. Govier, *Forgiveness and Revenge*, 96-8.

## 5.5 South Sudan Amnesty

As we have seen in Chapter Three of this study, the concept of amnesty brought different benefits to the South African situation. Ronald C. Slye has argued that amnesty promoted “truth telling, accountability, quantity and quality of information, peaceful transition from Apartheid to democratic rule, and reasonable respect for basic human rights” in the new South Africa.<sup>164</sup> The South African model of the amnesty process was different from other truth commissions that came before it. It will also be different from other amnesty programmes that may arise in the future, which entails that the South African concept of amnesty might not work in the same way in South Sudan. However, South Sudan may nevertheless adopt a number of principles from the South African experiences of amnesty, and transform them into a model that fits its needs.

The best practice, I would suggest, that South Sudan needs to learn and adopt from the South African amnesty process is to make amnesty part of the Constitution. Being part of the Constitution will give amnesty a pivotal role in the pursuance of stability in South Sudan. Such an amnesty clause in the Constitution would need to indicate unequivocally that there would be no blanket offering of pardon to people who have committed grave human rights violation in the country in the course of conflicts that South Sudan has experienced. Amnesty has to be a means for achieving justice for the victims who have experienced extreme level of violence in the conflicts in South Sudan. However, justice is not the same thing as revenge. Justice needs rather to be related closely to the unveiling of a truth that establishes accountability. It was this, as we have seen, that proved to be crucial in the South African TRC, and I would suggest that this aspect is something that can be crucial in serving the cause of peace in South Sudan.

Any South Sudanese future amnesty procedures should serve as a source of truth telling, but South Sudan does not have to accept the South African style of amnesty entirely. Truth, however, is central, since one of the things that most complicate social life in South Sudan is the absence of truth. Truth has been buried in ethnic identities. Each

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164. Rotberg and Thompson, *Truth v Justice*, 182-183.



community in South Sudan tries to protect individuals it considers as important members of its social fabric, regardless of the illegal and evil things they have done. Such individuals, whether politicians or otherwise, are responsible of horrific crimes against communities whom they perceive to be their arch-enemies or rivals, particularly in the political scene. Truth in South Sudan lies under the shadow of these ethnic, political rivalries, and the truth needs to be told, openly and transparently. An amnesty policy, properly conceived and legally framed, would assist greatly in the achievement of this key goal.

Amnesty may also encourage the process of nation building. The process of nation building through an amnesty programme will have to establish clear borders between political criminals and the genuine commitment from those who have done wrongs while in search of credible political reform. These distinctions are important because they can allow genuine testimonies to the truth to emerge from groups and political actors in the country. Since independence in 2011, some of the main political parties in the country have had unclear political agendas. For instance, the Sudan People's Liberation Movement for Democratic Change (SPLM-DC) has in its political manifesto a provision that supports "ethnic self-determination."<sup>165</sup> What this might mean is hard to say, but its effect has clearly been disastrous, by encouraging ethnic rivalry and warfare in the country. Truth telling within the amnesty process should uncover the dark side of these confusing political programmes so that South Sudanese can understand the implications of the rhetoric of their politicians before they follow them.

Unlike in South Africa, the situation in South Sudan has not involved enforced racial segregation, so that there is no demand for the development of racially neutral policies. In the South Sudanese case, therefore, the development of an amnesty programme would not require such considerations. The most important part of a South Sudanese amnesty programme would instead be to ensure accountability and to prevent the recurrence of

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165. SPLM-DC National Executive, *The Blue Print for Change: The Sudan's People Liberation Movement for Democratic Change's National Programme of Action, 2012-2015*.

violent behaviours in the future, by means of a transparent exposure of lies. The exposure of the subversive social activities of certain politicians will be crucial in building a South Sudanese national narrative.

An amnesty programme in the context of South Sudanese reconciliation will serve the social restoration of the communities, building relationships that encourage forgiveness instead of the present cycle of revenge. However, what needs emphasis here is that the possibility of prosecuting people who may not meet the demands of an amnesty formula must remain real. One of the things South Sudan should consider along with the amnesty formula is having recourse to retributive justice. Retributive justice is essential in South Sudan because of the way politicians have used ethnic sentiments as a political basis for inciting violence, as so have used ethnicity as a tool to create unnecessary suffering for communities and individuals. In the history of South Sudan, politicians have never faced justice for this inciting of ethnic violence. The strategy to date has instead created a culture of impunity.

For amnesty to serve the interest of peace and reconciliation in South Sudan, it should follow the South African example. The question of justice and the administration of justice in the South Sudanese situation have to be left in the hands of respected church leaders, lawyers, community leaders, and other neutral bodies in the country. The amnesty formula in South Africa succeeded in promoting national unity because people perceived to have integrity nationally administered it. They placed the national interests of South Africa at the centre. They sought the truth, which allowed South Africans to begin a new journey in building a rainbow nation.

#### 5.5.1 Amnesty and Community-to-Community Initiatives

One effective tool of reconciliation that the South Sudanese have always used to resolve differences is the traditional mechanism of conflict resolution. For meaningful reconciliation to occur in South Sudan, community-to-community dialogue has to be a part of the amnesty formula, because it will foster the inclusion of traditional leaders in the project of national reconciliation and rebuilding. It provides space for the participation of local citizens in initiatives for peace and conflict prevention. For instance, it occurred

in 1999 between the Dinka and Nuer in the west bank of the Nile.<sup>166</sup> These traditional leaders, who are always the symbols of authority in South Sudanese communities, have been side-lined in recent years in the decision-making process. As a result, their traditional authority has been circumvented, while the violence sponsored by politicians has replaced the tranquillity that traditional chiefs used to encourage in their chiefdoms. The church has seen this gap and is trying to bring on board such community leaders to support community-based initiatives for peace.

The incorporation of community leaders into the process of decision making on amnesty could be a very helpful step in achieving good results. These community leaders are, after all, always the ones who witness the effects of conflicts on their communities at the local level. They should be empowered to work alongside the leaders of the church in community-based initiatives to support sustainable peace in the country.

Currently, the Anglican Church of South Sudan is training “peace mobilizers” to move from community to community across South Sudan to build confidence and trust between different ethnic groups.<sup>167</sup> These peace mobilizers will likely prove an essential part of community-to-community dialogue because they are composed of women and men from different communities all over the country, working at grassroots level in a “bottom-up” search for justice and peace. The sheer diversity of the peace mobilizers represents the face of South Sudan in its various communities.

For these peace mobilizers to be effective, however, they should be able to operate within the framework of a broader investment in the project of national unity. They need to approach the communities with the message of peace, but at the same time, they should be able to deliver assurances to the communities that with peace will come greater prosperity. The deliverance of assurance to the communities that peace comes with

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166. Wundit Dinka Nuer Covenant, “*Dinka-Nuer West Bank Peace and Reconciliation Conference*,” Wundit, 1999, (accessed August 12, 2015), <http://southsudanfriends.org/wp-content/uploads/2014/02/Wunlit-Documents-1.pdf>.

167. Mellah Zulu, “South Sudan Anglican Church promotes New Paradigm for Peace,” *Anglican Communion News Services (ACNS)*, November 14, 2014.

dividends cannot come from the church alone. This has to be part of a co-operation between the church and government of South Sudan, and between them and the wider international community. The generation of a social policy geared towards meaningful development in the country has to engage the church, communities, international partners, and the South Sudan government to work as partners. A partnership between the government and the church, for its part, would greatly assist the communities to embrace the possibility of offering selective amnesty to individuals or officials involved in the atrocities in the conflicts, so long as the process of doing so is transparent, carries broad public support, and can be perceived to be just. Communities would consider this partnership as a new beginning for South Sudan.

## 5.6 Reparative Justice

The other transitional mechanism that South Sudan should adopt from the South African experience of reconciliation is a concern for reparative justice. Reparative justice would be extremely important in the South Sudanese situation. It has to function as a form of transitional justice in which the rebuilding exercise of the country begins. However, the application of reparative justice in the South Sudanese reconciliation process should be different from that of South Africa. In the South African situation, the reparative mechanism, which was not on a large scale, included financial as well as symbolic compensations to individuals and families of the victims. The considerations the South African TRC reparations committee gave to the victims, and their families, were appropriate because the Apartheid regime targeted individuals and family members suspected of supporting the anti-Apartheid movements.

I would like to suggest that in the South Sudanese situation, the possible reparation that would make the greatest difference in any future peace process would be a collective, communal reparative justice. This kind of the reparative programme would focus primarily on the communities affected by the recent history of violence, rather than on its individual victims. Such a focus in the exercise of reparative justice on the communities in South Sudan is essential for several different reasons. First, communities in South Sudan are the ones who have suffered the most in the course of the various conflicts the country has witnessed. The individual people who have died or suffered harm were not

the prime targets of attack. In fact, it was communities that were the targets of destruction.

Furthermore, South Sudan as a whole is the least developed country in the entire world. This means that each community in the country has suffered neglect from every government that has ever existed in South Sudan. This situation would make it exceptionally difficult for a post-transitional government of South Sudan to compensate individuals. Therefore, compensation would more naturally come as part of the social reconstruction of South Sudanese society. It would have to be part of a new and equitable development programme, intended to become a source of the economic justice that South Sudanese have yearned for since the time of colonial administration.

### 5.6.1 Reparation and Economic Justice

Reparative justice in South Sudan should make it possible for communities and their members to access resources and services at the communal and national level. Without economic justice as part of the new social order in South Sudan, sustainable peace will remain elusive for a long time to come. This situation is, however, avoidable through a more equitable distribution of resources in the country. The basic services that the people and communities throughout South Sudan demand are access to healthcare, education, and enhanced economic opportunities. None of these opportunities exists in South Sudan in a meaningful way at the present time, since the conditions for their survival have been wrecked by decades of conflict.

We have seen in the discussion of the current state of reconciliation in South Africa that (see Chapter Four, Section Two) the economic outlook remains a divisive factor in that country. Access to economic resources continues to create a social divide between the rich and the poor in South Africa. It also continues to generate racial tensions between the South Africans twenty years after the end of the Apartheid regime. The South African case is a good lesson for South Sudan to consider with care, as it shows how important it is to implement economic justice to meet the needs of the people.

One of the ways to make it possible for the population in South Sudan to access goods and services inside the country is, for instance, to reconstruct a reliable road network. Most of the communities are inaccessible by road, because all-season roads do not exist in the country. The building of roads is a necessity to advance economic development. The post-transition government of South Sudan must, therefore, make every effort to connect different parts of the country through reliable road networks. A network of reliable roads will make the distribution of resources and movement of goods and services possible.

Moreover, the promotion of agricultural activities in the country is another way of making food production a priority in the country. The development of agriculture in rural communities is an important part of creating wealth. According to the 2009 census, 83% of South Sudanese live in the countryside.<sup>168</sup> This is where oil revenues should be invested to reach the majority of the citizens, rather than in urban areas alone. Agricultural development will require the introduction of environmentally appropriate technology to improve food production. Indeed, one could go so far as to suggest that the provision of such resources for development would be among the best ways for the government to compensate communities. In partnership with the church, civil society, and international agencies, such initiatives are perfectly possible.

The newly introduced Petroleum Management Act of 2012, which provides for fair facilitation of oil revenues to meet the economic and development needs of the communities,<sup>169</sup> should make it possible for the South Sudanese government to accelerate investment in agriculture, transportation, health care, and education. Investment in all these areas is important, but investment in education is a key to improve economic conditions and security. The 2009 census shows that “72% of the population is under the age of thirty, while 27% of South Sudanese are literate,” and most of them are

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168. Southern Sudan Centre for Census and Evaluation, *Key Indicators for Southern Sudan, 2009*.

169. Emily Savage, “South Sudan Petroleum Management Act.” *Policy Brief, Sudd Institute*, December 12, 2013.

men.<sup>170</sup> These statistics help to explain why South Sudan has been in constant turmoil. Young populations, without proper education or the economic conditions to sustain them, are particularly susceptible to political manipulation and to the incitement to violence, for the simple reason that they have nothing to lose in life.

The development of an effective infrastructure would strengthen the contribution of all communities to collective life, and the distribution of services throughout the country. The equitable sharing of resources and services is essential for a peaceful future of South Sudan. The ways in which communities and individuals acquire resources in the country needs attention, and the political elites and the church are well aware of the importance of the issues related to contributive and distributive justice in South Sudanese society. Chris Armstrong defines distributive justice as a “sharing of benefits and burdens.”<sup>171</sup> This sharing of both benefits and burdens offers an incentive to citizens in every society to trust in their system of governance. A lack of fair sharing of resources is in part responsible for the breakup of the former Sudan. The South felt that it was contributing an undue proportion of resources to the national wealth, but receiving very little in return. This scenario should not repeat itself in South Sudan as an independent country.

Further, as Deutsch Morton and others have indicated, “the principles of distributive justice” should always include, “equity, equality, and need.”<sup>172</sup> It is imperative for South Sudan to explore the ideas of building an economic system based on equity, equality, and need. If these ideas are carefully examined with the intention of bringing equitable development to the communities across South Sudan, a new era of sustainable peace and greater prosperity can be realized. Treating communities equally, based on the needs of the day, is relevant for South Sudan as it seeks to reverse the violent trends that have

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170. Southern Sudan Centre for Census and Evaluation, 2009.

171. Chris Armstrong, *Global Distributive Justice: [an Introduction]* (Cambridge; New York: Cambridge University Press, 2012), 17.

172. Deutsch Morton, Barbara Benedict Bunker, and Jeffrey Z. Rubin, *Conflict, Cooperation, and Justice: Essays Inspired by the Work of Morton Deutsch*. Jossey-Bass Conflict Resolution Series (1st ed. San Francisco: Jossey-Bass Publishers, 1995), 261.

gripped the country for decades. Greater economic justice will empower communities to resist political agitations that lead to violence.

The introduction of community-oriented approaches to the improvement of economic and educational opportunities in the country would be a seedbed for building a sustainable peace. In fact, there is no reason these steps should not work well in the South Sudanese situation. They will fit well into social capital theory, which is, as we have seen, a good way to promote the social stability of South Sudan. The churches and other community-based organization should work together to facilitate social capital for rebuilding of South Sudan as part of reparative justice.

### 5.6.2 Reparative Justice and Social Capital

The concept of social capital as defined in (Chapter Four, Section Six above) offers to South Sudan a cluster of resources to evaluate and examine its current social situation. Its examination in the cultural context of South Sudanese society could help the country move on the path of reconstructing its social identity. South Sudan needs a policy that accommodates all its diverse cultures and ethnic groups to participate fully in the economic, social, and political development of the country. South Sudan falls, for instance, within the broad reality of what Franco Ferrarotti calls, a “multi-group dynamic entity.”<sup>173</sup> Better understanding of multi-group dynamics may have a great deal to offer to South Sudan as a society emerging from a difficult past. It may help policy makers and individuals in the country in developing the understanding that every group needs to recognize the existence of others in the same space. In this context, South Sudan in principle must end the current way of life, which is characterized by impunity and violence, and find new ways of finding peaceful social co-existence and engaging in responsible political discourse. These will in turn require “investment in social

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173. Franco Ferrarotti, and E. Doyle McCarthy, *Social Theory for Old and New Modernities: Essays on Society and Culture, 1976-2005* (Lanham, MD: Lexington Books, 2007), 73; Bertrand Russell, *Principles of Social Reconstruction* (London: Allen & Unwin, 1916).



capital.”<sup>174</sup> Social capital in this context becomes part of informal grassroots interactions that promotes cultural understanding and trade between the communities with shared interests.

For practical purposes, such investment in social capital requires the direct involvement of the church in different social programmes in the country. It will demand the continuing presence of the church as part of reparative justice, so as to continue to make social reconstruction a priority. It is important, therefore, that communities and individuals in South Sudan take ownership of those responsibilities that come with being a citizen of a country. Investment in social capital will, in some ways, lead to the development of a culture that respects the rule of law and human rights. Robert Genege has proposed the “mobilization of social capital” in South Sudan<sup>175</sup> as a way forward to unite differing views in the country. Some of the communities in Uganda have successfully used social capital theory for their benefits. South Sudan can try it as well.

Robert Genege explains that the “Uganda example suggests that a better understanding of how the synergy between social capital and public policy can be strengthened is crucial to minimize conflicts over scarce natural resources. In the south-western highlands of Uganda, a combination of voluntary associations (ranging from credit and saving groups and farming groups, to church-based groups) and development of bylaws collectively contributed to managing conflicts in variable measures.”<sup>176</sup> Therefore, the utilization of social capital has worked well in Uganda, because different communities with common economic, cultural, social, and political interests have worked together without resorting to ethnic rivalry.

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174. Lin, “Building a Network Theory of Social Capital,” in *Social Capital: Theory and Research*, 6-7.

175. Robert Gerenge, "South Sudan's 2013 Resurgent of Political Crisis." *ACCORD, Conflict Trends* 1 (2014): 20-27.

176. *Ibid.*

Genege is not suggesting that the Ugandan experience of social capital was perfect, but it was the beginning of Ugandan society moving towards social cohesion. Joanna Quinn speaks in this context of two principles governing social cohesion: “the absence of latent conflict and the presence of strong social bonds—measured by levels of trust and norms of reciprocity.”<sup>177</sup> The social bonds in South Sudan are so weak that simple arguments lead to violence, which indicates an absence of trust between communities and even among the political elites, which of course is what comes from years of conflict. South Sudan needs to learn from the Ugandan experience of the use of social capital theory as a major component of reparative justice, in the building of trust, and in forging strong social bonds between individuals and communities.

The church in South Sudan can support the implementation of different programmes that may work as a vital part of the investment in social capital. For example, a programme such as community-to-community dialogue and sharing of resources in the pastoralist communities can be effective as a means of building bonds of trust between communities. During the dry seasons in South Sudan, the pastoralist communities can share different resources. They can worship together, trade together, and share other social activities before they return to their traditional homes in the rainy season. These existing social structures would be a crucial resource to build upon fostering social capital for managing conflicts in South Sudan. There is currently no effective governmental programme which may do this, but the churches, through their social networking within the communities, can implement it now.

Through their sharing of grazing land in the dry season, people can possibly be led to realize that peaceful social interaction between their communities is after all a good thing. Once positive social interactions between communities have taken roots in the communities, those communities would be in a position to question policies that work contrary to peace. They will know that sharing resources, interacting, and trading with each other is better than fighting one another. Investment in social capital is an informal

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177. Joanna R. Quinn, *The Politics of Acknowledgement: Truth Commissions in Uganda and Haiti* (Law and Society. Vancouver: UBC Press, 2010), 125.

way through which the church in South Sudan can empower its communities and help them understand the benefits of peaceful co-existence.

Investment in social capital can, moreover, strengthen further the relationship between the church and South Sudanese society. The special historical relationships between the church and the communities in South Sudan worked well during the period of colonial administration. The church then delivered (limited) education services to South Sudan. Moreover, during the two civil wars of Sudan (1955-72 and 1983-2005), the church stood with the people of South Sudan in provision of assistance to fight hunger and disease. It is doing the same thing after the eruption of the crisis in 2013. However, hunger and disease will not leave South Sudan due to the endless cycle of violence in the country. The church needs to do more than the provision of emergency assistance. It needs to learn the importance of investment in social capital to promote the spirit of peace. This would be the best thing the church could do for South Sudan now. It would create a conducive environment for people to support themselves instead of depending on emergency assistance to survive. In a peaceful South Sudan, there would be no need for constant external provision of food. Communities will be able to produce enough to eat and sell.

The church can also deploy its theological resources to strength work within the communities and reduce the impact of the lie of ethnic division, which brings nothing but misery to South Sudanese communities. We have seen in the context of South Africa that the theology of Karl Barth played a crucial role in discrediting the violence of racial segregation. The church in South Sudan can apply the same strategy to discredit all forms of violence. For instance, Barth describes sin as (among other things) “sloth”.<sup>178</sup> In fact, violence and ethnic warfare are effects of such sloth, which keeps people from rising to perceive the truth that they need to learn to live together. The sin of sloth fosters the culture of destruction and dependency on outside help. The church needs to articulate this within the South Sudanese society, so that people perceive that what they are doing to

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178. Barth, CD IV/2, 403; CD IV/1,232.

themselves is a sin against God's creation. Violence brings suffering and causes people to lose their dignity as children of God.

Furthermore, Barth speaks of the "falsehood of man," which he defines as something that "opposes the divine promise declared in the prophetic work of Jesus Christ, and also opposes the truth of reconciliation".<sup>179</sup> I would argue here that the "falsehood of man" that Barth has described in his theological work nicely highlights what is happening in South Sudan today. The lie of ethnic division has ruined the promise of peace and reconciliation in the country. The lie has overshadowed the "truth" of the new humanity in Christ, which is one. The church in South Sudan should strive for the facilitation of reconciliation, but without forgetting the importance of placing the things that cause trouble in South Sudan into a properly theological context. Unless South Sudanese people understand that ethnic violence, political violence, and corruption are contrary to God's promises concerning them, they will allow such things to continue unchecked.

### 5.6.3 Ecumenical Approach to Social Capital

The investment of the church in social capital in South Sudanese society to promote peace requires an ecumenical approach. According to *The World Christian Encyclopedia*, the major Christian communities in "South Sudan and Sudan" include the Roman Catholic Church with 2,780,381 members, the Anglican or Episcopal Church with 2,100,000 members, and the Lutheran Church with 450,000 members, but the membership of these churches is concentrated overwhelmingly in South Sudan.<sup>180</sup> In general, this group of Christian churches has deep roots in South Sudanese communities. Any enhanced cooperation between them can bring to the attention of the political leadership at all levels of government the issues facing South Sudan today. They can encourage the political bodies and the communities to take concrete steps to meet their responsibilities in serving one another in love and care.

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179. Barth, CD IV/3, 434.

180. David B. Barrett, George Thomas Kurian, and Todd M. Johnson, *World Christian Encyclopedia: A Comparative Survey of Churches and Religions in the Modern World* (2nd ed Oxford; New York: Oxford University Press, 2001), 703.

Table 3: Major Churches in South Sudan

Catholic Church Adult membership	2,780,381
Province Episcopal of Sudan Adult membership	2,100,000
Presbyterian churches Adult membership	450,000

Through cooperation between different churches and cooperation with the political establishment, the church in South Sudan in its ecumenical work can foster the attitudes of common identity and of sharing resources equitably. They can draw national attention to the fact that South Sudanese need to work together as brothers and sisters. The unity of the church in action against violence and impunity would be an important expression of faith, sending a positive message to the different communities in the country that the church stands for them as one body, and that they themselves are one body.

The framework that helped in formulating the strategy of cooperation between different churches in the past can still work. The Christian missions operated in different parts of South Sudan without quarrels, broadly speaking, despite their doctrinal differences. The churches today can employ the same strategy to form a unified front to work for peace. The events that are taking place now in the country demand undifferentiated consciousness among the churches as they work together to promote peace. It is clearly not the case, after all, that the Christian gospel can rightly be used to validate ethnic rivalry and communal violence. The distinctive work of the church as an agent of peace can thus be to encourage compromise and understanding between different groups concerning those matters under discussion here.

The moral voice and vocation of the church in South Sudan now, therefore, should be to oppose violence and promote peace and reconciliation, making common cause with all who support the same goals. Nonetheless, the churches' mission to support peace and reconciliation will not be effective unless they can take a common stand and unite their own ranks. The unity of the church in action against violence, however, could be an immensely important and necessary step in the search for a lasting peace in South Sudan.

**Table 4: Religions in South Sudan**

S. Sudan's Religious composition	Christians	Muslims	African Traditional Religions	Jewish	Buddhists	Hindus	Unaffiliated
	60.5 %	6.2%	32.9%	<0.1%	<0.1%	<0.1	0.5%

Religious composition of South Sudan<sup>181</sup>

## 5.7 Conclusion

This chapter has explored the historical background of South Sudan and the roles of the Christian churches have played in past social development in the country. It has noted that South Sudan has gone through different stages in its history, but it has never achieved or established a credible order to support the construction of a viable social system in the country. The only body that has tried to help South Sudan achieve some forms of social progress is, in fact, the Christian church. The church, since the colonial period, has helped the region in building and sponsoring education. It also played an

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181. Pew Research Religion and Public life, 2010.

important role at the local and international levels to end the Anyanya I civil war in 1972. The church at the local level must now take a lead in helping the country to achieve peace and reconciliation.

In this chapter, I have proposed the South African TRC as a useful model for South Sudan for two reasons, relating to its transparency and its promotion of human rights. These were crucial elements in the story of the South African TRC, which served as building blocks for national unity. They made the South African TRC a community-centred exercise. It has been suggested in this Chapter that such transparency and the promotion of human rights will be necessary elements in any South Sudanese reconciliation process, serving as foundations for confidence building measures in the social reconstruction of the society.

This Chapter has also proposed a potential amnesty programme in South Sudanese reconciliation, but acknowledged that South Sudan does not need to follow or adopt the South African amnesty procedures in full. If an amnesty programme happened at all, it should be as a means to establish truth concerning what has really happened in the conflicts South Sudan has experienced. Amnesty should not be a blanket gateway for the perpetrators of violence to get away with the crimes they have committed during the conflicts in the country.

I have also argued in this Chapter that if reparative justice is going to take place in South Sudan, then it should be as a community-centred initiative instead of one dealing with individual victims. This argument is based on the fact that the conflicts that have occurred in South Sudan have been intended to destroy communities rather than merely individuals. The church can spearhead these programmes as parts of its investment in social capital in South Sudan.

## 5.8 Recommendations

In sum, this thesis has looked into the background of South African TRC to highlight important elements in the South African experience that may illuminate the way ahead in South Sudan. A further goal has been to provide the church in South Sudan with concrete

examples of the public role the church can play in transitional justice situations, and to point to resources that its theological teaching can draw upon in relation to conflict resolution. The thesis recommends the establishment of a “South Sudan Truth and Reconciliation Commission for Peace and Social Reconstruction.” The formation of such a Commission should be mandated constitutionally in the transition period, and be a matter for the co-operation between state, church, and other aspects of civil society in the country. Once such a commission has come to being, it should crucially be independent and free from political interference from all political actors in the country. The process will require, finally, that the church in South Sudan continue its commitment to supporting just political, social, economic, and cultural developments in the country — indeed, I have suggested that its success or failure will be contingent on the church’s role.

The church’s support for the creation of a just political system in South Sudan will, in short, be crucial for creating and maintaining a healthy reconciliatory process between different ethnic groups in the country. This requires that the church commits to do further research on how to develop its public theology, with a specific view to formulating a constructive theological response to the South Sudanese situation. This has been the pattern of development in South Africa, and we can expect a similar dynamic to apply in South Sudan. If the church in South Sudan has established a coherent public theology, it will be in a position to analyse theologically different elements of social life affecting South Sudan and formulate a unified response. This entails that the church should not wait for the problems to occur and then begin a response. Public awareness and political consciousness must for the foreseeable future become part of the constant witness of the church in communities across the country.

Moreover, the church in its commitment to peace in South Sudan should conduct further research into communal interactions, so as to understand ways to promote strong bonds rather than rivalry between different ethnic groups. Such would be one implication of its taking the theme of unity in Christ seriously. Social interactions between ethnic communities in South Sudan require, however, constant “real-world” observation to manage possible issues before they escalate into violence. Political polarization along the ethnic lines is always likely to occur, and if left unchecked, it may lead to violence. We



require more research to find ways of minimizing the chances of this happening. The church has to be a major player in this exercise.

This research has shown, however, that the church can be a powerful social force in South Sudanese society. Through an ecumenical commitment, the churches can harness broad support for the work of reconciliation in South Sudan. South Sudanese theologians can, furthermore, examine the South African public role of the church in order to gain insights and apply them to the situation in South Sudan. In this context, the church and its theologians have a role to play, and reach out to other civil society groups inside South Sudan to work with them in a unified front in opposition to the historic violence associated with political corruption that plagues the history of the region, and together with them, seek to build the kind of social capital in South Sudan that can foster peace and prosperity for its suffering people.

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