Ill-Defined and Ill-Equipped: Understanding the Limits of the Concept of Truth in South Africa'S Truth and Reconciliation Commission

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Abstract : The South African Truth and Reconciliation Commission (TRC) is widely regarded as a blueprint for countries seeking to transcend the atrocities of their past and create a new human rights-based administration. The aim of these societies is to establish historical truth. Within the TRC, the aspects of truth-finding and truth-telling were considered to be catalysts for national unity and reconciliation. Truth-seeking, in addition, was mandated in the Promotion of National Unity and Reconciliation Act (TRC Act), which is the legislation behind the TRC. However, there is an incongruency between the conception of truth outlined in the Act, and the conception of truth explained in the Report of the TRC proceedings. The aim of this paper is to delineate these two kinds of "truth" and to critically analyze them. Doing so, it will then be evident in the discussion that there is a need for substantial clarity in the conception of truth used in transitional justice settings based on truth-finding and truth-seeking, and the paper will present ways in which such clarity may be achieved. The paper will begin with a philosophical engagement on the notion of historical truth used by the TRC legislation. Thereafter, the historical background to the political context in which the TRC Act was mandated will be provided. The next section would then be a sketch of the conceptions of historical truth and historical injustice in the Act, as well as its supporting documents. Lastly, it will be argued that the subversion of the TRC's mandate to promote reconciliation and national unity by bringing to light past human rights violations during apartheid is betrayed by its amorphous conception of historical truth.

Keywords : historical truth, human rights, transitional justice, truth commission