

Research Brief

Transitional Justice and DDR: The Case of South Africa

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South Africa's transition from an apartheid state to a democracy included a number of national processes meant to address the violent past and to transform the country into a peaceful state. Essential among these was a process of disarmament, demobilization, and reintegration (DDR) for ex-combatants and the creation of a new defense force integrating the armed forces of opposing parties into a united military structure. Yet, DDR remained largely independent from other transitional initiatives, including transitional justice measures, such as the South African Truth and Reconciliation Commission (TRC).

Background

After almost forty years of armed struggle between the liberation forces and government security forces, negotiations between the National Party, which had institutionalized apartheid in 1948, and the African National Congress (ANC) ultimately led to an interim constitution and an election process. The peaceful election in April 1994 of Nelson Mandela as president and the ANC as the ruling party was universally accepted as free and fair.

The negotiated constitution received broad support, and its provisions were accepted by political parties and the majority of South Africans. A key demand of both liberation parties and the government was amnesty for past human rights abuses. This was the final obstacle to agreement. The National Party, under pressure from military leaders, insisted that no transition would happen without a guarantee of amnesty. The specifics of its implementation were left to the incoming government.

DDR

In April 1993, formal military negotiations were initiated between the South African Defence Forces (SADF) and the Spear of the Nation (MK), which was the armed wing of the ANC, with participation of other forces such as the Azanian People's Liberation

Research Project

Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ.

Army (APLA). The negotiations focused on the control of the national military during the political transition; the creation of a new defense force; and the integration of various, often opposing, armed forces into a new, united, post-apartheid national military, which was to become known as the South African National Defence Force (SANDF). In South Africa integration of ex-combatants in the SANDF preceded DDR.

Integration

The SANDF integration process began in April 1994. It was decided that the SANDF would include 17,000 MK members, 6,000 APLA cadres, 10,000 personnel from the homeland militaries, and 85,000 soldiers and staff from the SADF. Once this was established, integration occurred in four stages: assembly, assessment, training, and placement. Ex-combatants were placed into different arms of the SANDF, which meant, in essence, that statutory and nonstatutory forces were absorbed into the existing structures of the SADF.

The minimum age for integration into the SANDF was originally set at eighteen, but was reduced to sixteen to accommodate the militarized youth from the ANC's Self Defence Units. Women had also served within the nonstatutory forces, and some had engaged in combat. As a result, MK negotiated for gender equality at all levels within the SANDF.

Demobilization

The demobilization process within the SANDF began in April 1995 with a focus on the voluntary release of personnel who either did not wish or were unable to serve in the military. It involved the provision of gratuities, which varied according to the number of years of military service, from a minimum of R12,734 (US\$3,499) to a maximum of R40,657 (US\$11,156). Demobilizing soldiers were also encouraged to participate in two weeks of voluntary counseling and eighteen months of vocational training through the Department of Defence's Service Corps.

Close to 6,000 soldiers were demobilized from the SANDF in 1995. Most demobilized soldiers returned to impoverished communities where opportunities for employment were severely limited.

Reintegration

There were a number of problems with the reintegration of ex-combatants into civilian life, especially with respect to economic integration. Most of the difficulties arose from a lack of adequate planning and coordination to implement programs effectively. Studies of demobilized combatants have found that a large percentage are unemployed, with most either being dependent on family members to provide them with money, food, and shelter or else engaged in ad hoc informal sector activities. More than a third of the respondents indicated that they suffered from psychological problems. Women reported facing additional psychological challenges: apart from exposure to war-related violence, some were the victims of sexual abuse by commanders.

DDR was largely seen as a technical exercise, geared toward reducing the potential threat that a sizeable population of individuals with military skills may have posed to democratization and sustainable peace.

Transitional Justice

Truth-Telling

The interim constitution provided a provision for amnesty for all combatants involved in political violence. Rather than grant a blanket amnesty, the new ANC government opted for amnesty that was linked to a broader truth and reconciliation process. The Amnesty Committee of the TRC provided a controversial, but constitutionally mandated, function of reviewing applications for amnesty made by perpetrators of illegal acts (including human rights violations). To be eligible, individual applicants had to show that the acts for which they requested amnesty were politically motivated, and they had to provide full disclosure about the events. Out of 7,000 amnesty applications received, only 1,973 cases went to public hearings.

The truth-seeking function of the TRC was pursued through a number of avenues. There was a very complex process of statement taking, which involved collecting statements from more than 22,000 victims. These statements were then followed up with investigations to provide verification of the claims. The TRC also initiated investigations and conducted research into “window cases,” which sought to examine particular types of crimes that would provide insights into broader patterns of events.

The TRC documented the nature and extent of abuses by all sides in the conflict. The majority of violations were committed in the KwaZulu-Natal region, and the most violent period was from 1990 to 1994. Most of those killed or tortured were young men between the ages of thirteen and thirty-six, while other forms of abuse (including sexual abuse) targeted men and women in roughly similar numbers.

The TRC handed over information on more than 300 cases it thought could be further investigated and prosecuted. Yet prosecutions of perpetrators of human rights violations since the closing of the TRC in 2001 have progressed at an extremely slow pace.

Reparations

Victims of gross human rights abuses registered by the TRC each received a lump-sum payment of R30,000 (US\$6,417) from the government. This was about a quarter of what the TRC had recommended and did not include any privileged access to medical, social, or educational services.

Reparations were forthcoming only in 2003, six years after the TRC started hearing victims’ testimonies. The fact that perpetrators benefited immediately from the amnesty process, while victims had to wait so long, caused much frustration. Compounding this frustration was the fact that both the demobilization grants of 1994 and special pensions to older ex-combatants exceeded the amount of payment received by victims.

About the Authors

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Institutional Reform

Institutional reform of the security sector was largely aimed at changing the profile of the military and police, which were dominated by whites under apartheid. This process involved integrating various armed factions into the military and police forces and using a large-scale affirmative-action program to recruit and promote individuals.

Conclusion

The DDR process in South Africa was largely one-dimensional and ad hoc in nature. It was not conceived by the architects of the interim political government to require a significant transitional justice dimension. DDR was largely seen as a technical exercise, geared toward reducing the potential threat that a sizeable population of individuals with military skills may have posed to democratization and sustainable peace. Likewise, transitional justice measures failed to consider links with the DDR process. The TRC recognized only victims and perpetrators, and it generally treated each group as mutually exclusive of one another.

There were a number of missed opportunities. Negotiations around transitional arrangements were fragmented between military and political issues, rather than developed in an integrated manner. The process was driven by short-term objectives relating to stability and party-political power relations with very little human rights input or consideration of long-term human security concerns. A more comprehensive approach would require an engagement with various elements of the process, including greater engagement between DDR and transitional justice.

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