**South Africa: Reintegration and Reconciliation in the Post-Apartheid Era**

**Model Name**: Truth and Reconciliation Commission (TRC)

**Country**: South Africa

**Time Period**: December 1995 – 2002\*[[1]](#footnote-0)

**Abstract**

From 1948 until 1990, South Africa’s apartheid system “legally enforced racial segregation” through policies that denied civil and political liberties to black South Africans.[[2]](#footnote-1) Throughout this period, South African blacks were subject to inferior public services – in terms of education, healthcare, and infrastructure – while all attempts at peaceful political opposition were either banned or “violently repressed.”[[3]](#footnote-2)

From the time of Nelson Mandela’s release from prison in 1990 to South Africa’s first truly democratic elections in 1994, numerous negotiations were held between the National Party - the perpetrators of apartheid - and the African National Congress - the primary liberation movement - in order to prepare for a peaceful and successful power transition and unity government. Armed forces were consolidated under the newly established South African National Defense Forces and a conditional amnesty program was put in place through the Truth and Reconciliation Commission, established as a fact-finding and truth-seeking body responsible for holding accountable the perpetrators of human rights abuses.

The South African model remains widely contentious in terms of its efficacy. Nevertheless, as one of the most frequently cited examples of transitional justice, there are many lessons to be learned and applied towards the reintegration of former Boko Haram combatants within Nigeria. This paper provides an overview of the context, programs, and outcomes of the South African model, including recommendations of how and why some of its components may be applicable to the Nigerian context.

**Background**

The apartheid system began in earnest in 1948, when the National Party (NP) came to power, establishing a whites-only political system.[[4]](#footnote-3) As time went on, the NP increasingly enacted ethnically divisive policies – including the Group Areas Act (establishing physical separation of racial groups); the Bantu Authorities Act (forcibly displacing black South Africans to their “native homelands”); and the Natives Act (requiring all black South Africans to carry identification at all times), to name just a few.[[5]](#footnote-4)

“Intensification of repressive, discriminatory laws and practices under segregation and apartheid prompted growing black protest and resistance.”[[6]](#footnote-5) In response to the NP’s racist policies, the African National Congress (ANC) (see insurgency description) initially promoted non-violent demonstrations to gain greater political representation and rights for the black South African majority.

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| **Insurgency Description**  *African National Congress (ANC)* - The ANC was established in 1912, initially as an organization of black, mission-educated elite. Although its composition and tactics have shifted over time, its overall objectives have remained constant: 1) to overthrow white supremacy and 2) to establish a truly democratic government in South Africa.[[7]](#footnote-6) The ANC initially embraced peaceful forms of protest - strikes, sit-ins, and other forms of non-violent demonstration. However, as time went on, the organization adapted in response to the NP’s repression, starting by targeting state infrastructure and eventually developing a militant wing - Umkhonto We Sizwe (MK).[[8]](#footnote-7)  *Pan Africanist Congress (PAC) -* The PAC was established in 1959 as a splinter group of the ANC. While the group espoused many similar values and desires, it did not support the pan-racial movement. The PAC supported black nationalism - building a country for and by black South Africans alone, thereby most notably excluding the large Indian population that had, largely, been supportive of the ANC’s cause.[[9]](#footnote-8) The PAC may be most known for its involvement in the Sharpeville Massacre of 1960, “when policemen killed at least sixty-nine defenseless people - many of whom were shot in the back - during a peaceful PAC demonstration against pass laws.”[[10]](#footnote-9) It was after this event that the apartheid government banned both the PAC and ANC. After being banned from South Africa, the PAC also established a militant arm - the Azanian People’s Liberation Army (APLA).[[11]](#footnote-10)  *National Party (NP)* - The NP, a whites-only government party that ruled South Africa from 1948-1994, were the perpetrators of apartheid. Under their rule, black South Africans were stripped of their rights as formal segregationist policies were imposed on the population.[[12]](#footnote-11) The NP employed the South African Defense Forces (SADF) to violently contest any signs of political opposition, through whatever means necessary.[[13]](#footnote-12) |

However, peaceful protests were met with violent opposition from the apartheid government. “Bannings, detentions, and harassment of liberation movement leaders and activists became commonplace,” leading the ANC to eventually move underground in the 1960s.[[14]](#footnote-13) It was during this period that armed resistance began to grow in the form of the ANC’s militant wing – Umkhonto We Sizwe (otherwise known as “Spear of the Nation” or MK).[[15]](#footnote-14)

The 1970s and 1980s saw growing agitation and violence across all sectors of society. The NP increasingly used hit squads, often killing innocent civilians, and pursued a divide-and-rule strategy,[[16]](#footnote-15) sparking divisions amongst black opposition parties, which the apartheid government used to frame conflict as “black-on-black” violence.[[17]](#footnote-16) Fortunately, the international community was able to see through the NP’s façade, and increasingly pressured the apartheid regime to relinquish power – largely through the imposition of economic sanctions and verbal condemnations.[[18]](#footnote-17) By the late 1980s – as the Cold War was coming to an end – the apartheid system was finally beginning to crack under international pressure. Negotiations between newly elected NP president, F. W. de Klerk, and ANC leader, Nelson Mandela, led to Mandela’s release from prison in 1990, as well as the development of the Convention for a Democratic South Africa (CODESA), which was tasked with negotiating a new constitution and peaceful government transition.[[19]](#footnote-18)

Yet, violence continued. The period between Mandela’s release from Robben Island in 1990 and South Africa’s first truly democratic elections in 1994, was the bloodiest period in apartheid’s history.[[20]](#footnote-19) It was only after democratic elections were held that the apartheid era, and the violence and racism associated with it, started to come to an end.

**Impetus for Reintegration / Reconciliation**

In the years between Mandela’s release and South Africa’s first democratic elections, numerous negotiations were held between all factions - though primarily the NP and ANC - in order to successfully put the conflict to rest and ensure a smooth political transition. Chief among these were negotiations between the SADF and MK regarding disarmament, demobilization, and reintegration procedures for former armed combatants.[[21]](#footnote-20)[[22]](#footnote-21) The major result of these negotiations was the establishment of the South African National Defense Forces (SANDF), which formally incorporated all previously existing armed forces.[[23]](#footnote-22) It was agreed that in total, 17,000 MK troops, 6,000 APLA members, 10,000 homeland militia fighters, and 85,000 SADF and staff would comprise the new SANDF, which began formal integration in 1994.[[24]](#footnote-23)

Meanwhile, the newly elected South African government faced the difficult task of coping with the collective human rights abuses of the past, while paving the way forward for a more peaceful and productive future. Despite the election of a “national unity” government in 1994, South African society needed more to “make unity a reality” - “the transition (from) a past marred by human rights abuses to one based on the principles of democracy and respect for human rights could not be had simply by a transition in government.”[[25]](#footnote-24)

The peaceful democratic transition was not the result of military victory. Instead, “the ANC (recognized that it) could not impose its peace; this would only ever come about if they managed to persuade the National Party to give up the reins of power voluntarily.”[[26]](#footnote-25) During negotiations, the NP advocated blanket amnesty for all party members, which the ANC wholeheartedly rejected.[[27]](#footnote-26) Instead, the ANC advocated “conditional amnesty” - which was predicated on truth-telling for politically justified acts.[[28]](#footnote-27)

What emerged, as a result of the National Unity and Reconciliation Act, was the Truth and Reconciliation Commission (TRC) - a three-chambered body tasked with tackling justice, truth-telling, and reparations. The TRC was divided into three committees:

1. The Human Rights Violations (HRV) Committee - “responsible for conferring victim status on those individuals who qualified under the Act and came forward to the Commission to make a statement.”[[29]](#footnote-28)
2. The Amnesty Committee - “responsible for fulfilling the imperative contained in the interim Constitution that ‘amnesty shall be granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past.’”[[30]](#footnote-29)
3. The Reparation and Rehabilitation (R&R) Committee - “responsible for making recommendations to the government regarding the provision of reparations and rehabilitation of victims.”[[31]](#footnote-30)

The TRC was seen as “the price the liberation forces had to pay in order to secure a peaceful transition to a majority rule.”[[32]](#footnote-31) But in addition to appeasing the NP’s demands, it was also used as a tool for “creating a collective memory for the society, establishing and nurturing a culture of human rights … , transforming the society, and enhancing reconciliation.”[[33]](#footnote-32)

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| **Civilian Agency, Military, International Agency, and NGO Involvement**  *Civilian Agency* - Initial reintegration and reconciliation discussions were primarily led by leaders of the competing factions - largely the ANC and NP. The TRC was intentionally formed as a stand-alone body outside of the government court system. It was established by the passing of the National Unity and Reconciliation Act by the South African Constitutional Court.[[34]](#footnote-33) Although it “operated outside of South Africa’s domestic legal system, … (its) amnesty decisions were binding on domestic courts.”[[35]](#footnote-34) The TRC itself was chaired by Archbishop Desmond Tutu and led by 17 commissioners - nine men and eight women - who were supported by a staff of approximately 300.[[36]](#footnote-35)  *Military -* The SADF and MK were integral in defining South Africa’s disarmament, demobilization, and reintegration (DDR) strategies for former combatants. All armed factions were required to submit a roster of enlisted personnel to the Department of Defence, which used this “Certified Personnel Register” to monitor the DDR process and integration of SANDF forces.[[37]](#footnote-36) This proved challenging in that not all units had sufficient personnel record systems in place and much debate was had regarding who should be considered a combatant. No military units were directly involved in the implementation of South Africa’s TRC. However, former combatants from all militant (and non-militant) forces were eligible for participation.  *International Agency* - International agencies and governments were highly involved in helping put an end to the brutal apartheid regime through the imposition of sanctions, sports bans, and other forms of global condemnation.[[38]](#footnote-37) However, reintegration and reconciliation strategies were largely homegrown.  *Non-governmental Organization* - The South African government has been widely criticized for its limited inclusion of non-governmental and civil society organizations throughout the 1990s, in both the design of the TRC and ex-combatant reintegration programming.[[39]](#footnote-38) |

**Criteria for Reintegration and Reconciliation**

*The SANDF & Ex-Combatant Reintegration*

The Joint Military Coordinating Council of the Sub-Council of Defence of the Traditional Executive Council (JMCC) - comprised of representatives from the SADF, MK, APLA, and homeland militias - facilitated the integration of new SANDF forces.[[40]](#footnote-39) Former-combatants age 16 and older, including women, were allowed to participate, many of whom first needed to be repatriated from abroad.[[41]](#footnote-40) All ex-combatants - according to the Certified Personnel Register (see military involvement above) - were brought before the SANDF Placement Board for psychological and physical examination. “Those with psychological disabilities, suffering from ill health, without sufficient military training or without the minimum military or educational qualifications were demobilized.”[[42]](#footnote-41)

In addition, in 1995 the SANDF began a policy of voluntary release, allowing any newly enscripted SANDF soldiers to voluntarily leave the service, without retribution.[[43]](#footnote-42) Demobilized ex-combatants received a small “gratuity” - usually between $3,500 and $11,000 USD, based on the amount of time served - prior to reentry into South African society.[[44]](#footnote-43) Demobilized ex-combatants were also given the option to participate in voluntary counselling, as well as an 18-month vocational training program.[[45]](#footnote-44)

Generally, demobilization and reintegration of former combatants was viewed as an afterthought - receiving secondary importance compared to the establishment of the SANDF. According to scholars Motumi and McKenzie, “demobilization (was) poorly planned, badly executed and wholly inadequate in meeting the needs of ex-combatants. It ... failed to take into account some of the lessons learnt from demobilization processes in other developing countries and, in fact, repeated some of the more obvious mistakes.”[[46]](#footnote-45)

*The Truth and Reconciliation Commission*

Both victims and perpetrators had to apply for benefits from the TRC. All individual victims of the apartheid regime were required to submit applications to the HRV committee in order to receive victim status - which thereby entitled South African citizens to reparations.[[47]](#footnote-46)Similarly, to prevent blanket amnesty, the TRC required all perpetrators of violence throughout the apartheid era to individually apply for amnesty for specific acts committed.[[48]](#footnote-47) Amnesty applications were required for all parties implicated in violence throughout this time period - NP and ANC alike.

In order for amnesty to be granted, applications had to meet the following criteria:

* The act “must have been committed in pursuit of a political objective”[[49]](#footnote-48);
* The act must have occurred within the designated timeframe (1960-1994);
* Applicants had to agree to “full disclosure of the facts surrounding the abuse”[[50]](#footnote-49);
* Applicants had to admit fault[[51]](#footnote-50); and
* The application must have been received prior to the deadline (originally set at December 1996).[[52]](#footnote-51)

Only acts considered “violation(s) of human rights”[[53]](#footnote-52) - including abductions, torture, and killings - were considered for amnesty.[[54]](#footnote-53) Less serious crimes were not prosecuted, though neither were they forgiven.

**Prosecution / Punitive Component**

Given the sheer size and scope of atrocities committed under apartheid, the South African government realized that not all perpetrators could or should be held accountable through traditional courts of law.[[55]](#footnote-54) Rather than focusing on punitive, criminal justice, the TRC’s conditional amnesty model embodied a form of “restorative justice” - “a justice that would direct attention to the needs and participation of the victim and, in that way, help repair the damage done.”[[56]](#footnote-55) In applying for victimhood status, all victims intentionally “(gave) up the right to later prosecute perpetrators in courts of law.”[[57]](#footnote-56) In exchange, the acknowledgement of crimes would be followed by reparations.

Furthermore, by requiring all perpetrators to apply individually for amnesty, no group at large was absolved of responsibility for its actions throughout the apartheid era.[[58]](#footnote-57) All parties were culpable for their actions - whether crimes were committed by the state or by liberation movements.[[59]](#footnote-58) However, the TRC did decriminalize “the actions of the majority of those who opposed the former state.”[[60]](#footnote-59) Those who had previously been sentenced for crimes including arson, public violence, and attempted murder were released.

**Reconciliation**

The TRC’s truth-seeking agenda was intentionally designed to promote reconciliation.[[61]](#footnote-60) The South African government aimed to eliminate the possibility of collective amnesia by tackling the atrocities of apartheid head-on, thereby establishing a nationally-recognized and agreed upon history.[[62]](#footnote-61)

Reconciliation consisted of four sub-dimensions:

1. “Interracial reconciliation (rejection of interracial stereotypes or prejudice);
2. Political tolerance (willingness to allow one’s political foes full rights of political contestation);
3. Support for human rights principles (and, in particular, the rule of law); (and)
4. The extension of legitimacy to the political institutions of the new South Africa (Parliament and Constitutional Court).”[[63]](#footnote-62)

**Community Engagement**

All South African citizens were eligible to participate in the TRC process - either by submitting victim statements or amnesty applications. In addition, TRC hearings were made public and broadcast on national television.[[64]](#footnote-63)

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| **Cost Estimate & Financing**  To achieve its lofty goals, the TRC had an annual operating budget of USD$18 million, funded by taxpayers and international donors.[[65]](#footnote-64) Initially, reparations to victims and their families were projected at USD$640 million[[66]](#footnote-65) - “the commission proposed that each victim or family should receive approximately $3,500 USD each for six years.”[[67]](#footnote-66) Reparations were to be funded through a ‘wealth tax’ - drawing taxes from industries that unduly benefited from apartheid.[[68]](#footnote-67) However, this program did not come to fruition. “Instead the government established a reparations fund with money from the State and from donors; using this fund, it paid a lump sum of R30,000 each to about 23,000 persons who registered with the TRC as ‘victims’.”[[69]](#footnote-68) |

**Results**

In total, 135,927 former combatants were integrated into the newly established SANDF.[[70]](#footnote-69) “Close to 6,000 soldiers were formally demobilized from the SANDF in 1995, the majority of which were originally from the MK or APLA.”[[71]](#footnote-70) The demobilization process continued into the late 1990s and early 2000s, when an additional 30,000 former combatants were demobilized.[[72]](#footnote-71)

As part of the TRC, more than 20,000 victim statements were submitted, of which approximately 2,000 were heard publically.[[73]](#footnote-72) In total, more than 7,000 applications for amnesty were received, of which 849 were granted and 5,392 were rejected.[[74]](#footnote-73) “The most common reason for denying an application (was) that no political motive was attached to the action for which amnesty was sought.”[[75]](#footnote-74) In the end, no group escaped without blame for its actions, including the ANC.[[76]](#footnote-75)

When formal proceedings ended in 2002, the TRC published a seven-volume report, detailing the findings of the seven-year process.[[77]](#footnote-76) However, some issues remain unresolved - particularly in the case of reparations.

**Lessons Learned**

As one of the most widely studied transitional justice models to date, the South African model’s efficacy has been hotly contested. Irregardless of whether South Africa can be deemed a wholehearted success or not, the country’s trials and tribulations have helped pave the way forward for similar programs, reinforcing the following lessons:

* *Need for Bottom-Up Reintegration*: South African reintegration and reconciliation strategies have been criticized for their top-down nature. In the case of reintegration, critics argue there was lack of sufficient coordination with former combatants or civil society organizations prior to implementing reintegration programming.[[78]](#footnote-77) The government did not sufficiently engage ex-combatants or their families in order to fully understand the needs of these populations. Similarly, many believe that the “TRC did more to isolate NGOs from the process than to draw upon them.”[[79]](#footnote-78) Rather, more voices should have been brought to the planning table, to ensure all civil society voices and perspectives were addressed.
* *Increase Female Involvement:* When analyzing the outcomes of the TRC in particular, it is clear that women’s needs were not fully addressed. Women only accounted for one percent of all victim statements submitted throughout the TRC process - despite being highly involved in the liberation struggle - leaving the extent of sexual violence largely unknown.[[80]](#footnote-79) Additional outreach, specifically targeting underrepresented minorities, may have been an appropriate strategy for addressing this gap.
* *Address Community Grievances*: Rather than viewing apartheid as a system that worked against communities, the TRC “individualized” victims - categorizing apartheid as an action of the state against individuals.[[81]](#footnote-80) Given that not all victims came forward with statements, this limited both the TRC’s ability to hold accountable all perpetrators, as well as its acknowledgment of systematic racial discrimination and oppression.
* *Challenge of Holding All Perpetrators Accountable*: Initially, the majority of amnesty applications received came from former MK and APLA combatants - many of whom were at that time imprisoned for crimes committed during the apartheid era.[[82]](#footnote-81) With time, more SADF forces came forward with applications, largely spurred by the successful prosecution of SADF strongman, Eugene de Kock - “a notorious apartheid assassin who, during his trial, provided extensive information about other senior state operatives who were involved in gross human rights abuses.”[[83]](#footnote-82) Without the imminent threat of successful prosecution, many perpetrators of human rights abuses sought to avoid involvement in South Africa’s reconciliation process.
* *Need for Appropriate Financial Planning*: Although the TRC promised reparations to victims and their families, the commission failed to deliver on these commitments in a timely fashion - or to the level originally suggested.[[84]](#footnote-83) Thus, failure to adequately meet the needs of victims has been seen as one of the South African model’s greatest failings.

**Applicability to Boko Haram**

Given the size and scale of apartheid atrocities, South Africa’s relatively peaceful transition to democracy in its aftermath, and international support for the ultimately “victorious insurgency” group, the South African model is generally inappropriate for reintegration and reconciliation of former Boko Haram combatants. However, while this model may not be suited for wholesale replication, there are certainly components that may be applicable to the Nigerian context, if appropriately adapted.

1. *Truth Telling and Dialogue:* The TRC’s truth-seeking agenda exhibits wide potential across varying country contexts. It provides an opportunity to bring multiple parties together in dialogue, to discuss the collective atrocities of the past. Given accusations of human rights abuses by both Nigerian military forces and Boko Haram combatants, incorporating a space for open and honest dialogue, addressing the grievances of both sides, may be beneficial for the reintegration process and assist in preventing collective amnesty.
2. *Reparations:* Although relatively unsuccessful in the case of South Africa, reparations provide an opportunity to acknowledge community suffering and losses. Reintegration programs that focus solely on perpetrators - often providing financial assistance as ex-combatants transition back into normal society - may be met with resentment by local populations who have suffered at the hands of soldiers who are now reaping financial benefits. Community-level reparations may provide the necessary incentive for community members to accept former Boko Haram combatants back into their villages. Furthermore, the more limited scale of the conflict in Nigeria may be better suited for these financial incentives.
3. *Conditional Amnesty:* Based on numerous conversations with experts on and from the region, it appears evident that Nigerian civilians are largely unwilling to accept former Boko Haram combatants back into their communities without some form of punitive justice. While blanket amnesty cannot, and arguably should not, be promoted, it may be possible to adapt South Africa’s conditional amnesty model for use with Boko Haram. According to this model, all former combatants would have to fully acknowledge past acts and a fact-finding judicial body would need to be created, with authority of subpoena, search, and seizure to corroborate perpetrators’ accounts. All findings should be made public, thereby holding perpetrators accountable, while limiting the strain of criminal proceedings on a currently weak Nigerian legal system.

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20. Asmal, “Truth, Reconciliation and Justice,” 10. [↑](#footnote-ref-19)
21. Merwe and Lamb, “Transitional Justice and DDR,” 9. [↑](#footnote-ref-20)
22. Notably, the APLA, PAC’s militant wing, chose not to participate in these discussions and continued armed resistance until 1994. [↑](#footnote-ref-21)
23. Merwe and Lamb, “Transitional Justice and DDR,” 9. [↑](#footnote-ref-22)
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36. “Truth Commission: South Africa.” [↑](#footnote-ref-35)
37. Merwe and Lamb, “Transitional Justice and DDR,” 9. [↑](#footnote-ref-36)
38. Asmal, “Truth, Reconciliation and Justice,” 9. [↑](#footnote-ref-37)
39. Simpson, “A Brief Evaluation of South Africa’s Truth and Reconciliation Commission.” [↑](#footnote-ref-38)
40. Merwe and Lamb, “Transitional Justice and DDR,” 10. [↑](#footnote-ref-39)
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44. Ibid., 14. [↑](#footnote-ref-43)
45. Gwinyayi Dzinesa, “Postconflict Disarmament, Demobilization, and Reintegration of Former Combatants in Southern Africa,” *International Studies Perspectives* 8, no. 1 (2007), 81. [↑](#footnote-ref-44)
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