**Transitional Justice in Africa: Reflections on the South African experience**

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Good morning and thank you for inviting me to address this distinguished audience on the South African reconciliation experience of the last 25 years. Thank you also for your incredibly warm and generous hospitality during my stay in your magnificent country.

I address you today as a practitioner in the field of dialogue and reconciliation and as a South Africa citizen, deeply committed to bringing togetherness to our still deeply divided nation. In the spirit of acknowledgement, which is a critical but largely absent component of South Africa’s transitional justice journey today-especially where white South Africans are concerned, I should acknowledge that I am a white South African who benefitted from Apartheid. I am also the daughter of a father who was a German second world war veteran and a mother whose family were political refugees from East Germany. Transitions are in my blood.

Last year was the 20th anniversary of the submission of the report produced by the South African Truth and Reconciliation Commission to then president Nelson Mandela.

This year SA also celebrates 25 years of democratic elections. These are major milestones. Milestones which require celebration and reflection and, once we have celebrated and reminded ourselves of exactly how far we have come since the dawn of democracy ; thereby beginning the long journey of undoing hundreds of years of oppression and systematic subjugation of the majority black population by the minority white population, then we must critically reflect on how far we have really come and, more importantly, what needs to be done to ensure we continue to emerge out of the darkness of the past.

I come from a country which is in the process of performing a master piece. We are learning to live together (this is the title of a book written by IJRS founding director Prof Charles Villa Vicencio). We are learning to respect one another. We are trying to move out of the incredibly dark and long shadow which our past continues to cast over our society. Many thought this would be a quick journey; that the truth commission with its amnesty and reparations components would help us overcome. That a democratically elected government would swiftly transform our society into a prosperous one. In the magnificent afterglow of the transition and the hope embodied by President Mandela’s presidency; we must forgive those who let hope overshadow that which would be realistic and feasible.

There is no doubt of the very significant role performed by the Truth and Reconciliation Commission in South Africa and indeed on the continent as a whole. To date it remains the most successful model of how to truth commission in Africa. It was by no means perfect but given the pervasive nature in which colonialism and apartheid penetrated all aspects of South African society over generations and given the nascence of the field of transitional justice; perfection is not a relevant standard. This is a young journey after all.

But I am not here to tell you about the nature and successes of the commission. That it was set up by an act of parliament through the Promotion of National Unity and Reconciliation Act of 1995; that Chairperson Archbishop Desmond Tutu and his vice Chair, the late Alex Voraine were appointed by President Nelson Mandela and that they were supported amongst others by a publically approved team of eminent commissioners, investigators, researchers and translators. That over 20000 testimonies were heard as the Commission travelled around the country, closely followed by the media, to hear the truth of how apartheid has systematically gone about destroying the fiber of our nation. That over 7000 amnesty applications were received and only 800 were granted. That once-of reparations were paid to those who testified.

We know this. It has been extensively discussed , written about and analyzed; and though we continue to warn one another that there is no one- size fits all approach to dealing with the past; I fear that we still do-too often- copy and paste key elements of SAs journey into and onto other contexts without critically interrogating where the country is currently at.

Rather , I think it is important that as African practitioners of transitional justice, we look at South Africa today-with its growing inequality; increasing civil unrest and protest action; high levels of corruption, poor service delivery, and spectacular levels of violence and try and understand what could have been done differently in the aftermath of the TRC to build a better SA.

Allow me to explore here one area which has barely been mentioned in our deliberations over the last days but which I feel very strongly about an which I am leading an international research project on at IJR. This concerns the relationship between the field of mental health and psychosocial support on the one side and peace building and transitional justice on the other. Incidentally, while my interest in these fields originates from my dialogue and reconciliation work in South Sudan where IJR has been working for the last 10 years; I feel that understanding, acknowledging and addressing the impact of the past on the psychosocial wellbeing of South Africans, has been a major failure in the post-TRC and post- democracy dispensation.

Let me explain:

In SA, millions of predominantly poor black people exist between two layers of pain:

One-as a result of the collective experience of existing for more than 400 years as second class citizens during systems of slavery, colonialism and apartheid.

While research on the intergenerational transmission of trauma in South Africa ( and indeed in Africa) is still very slim; IJRs work in this field shows that South Africans live with an often continue to identify as shaped by a brutal and unjust past in which they were inferior and marginal.

Second – this historical trauma is compounded by very poor socio-economic conditions still prevalent across the country. The result is daily stressors- stressors that result from living in relative poverty in communities that are characterized by high levels of unemployment (currently at 27% nationally), poor service delivery, some of the highest levels of sexual and domestic violence in the world and the ever growing phenomenon of gangsterism.

Together these levels of pain make for a toxic mix.

Now we might ask but what about the TRC? The TRC receive “only” (in inverted commas’) about 21,000 testimonies. This means that the majority of South African; most of whom had in some way or another experienced the wrath of the apartheid regime, never had the opportunity to share their story; to feel heard and acknowledged , to engage in the kind of dialogue necessary to begin a reconciliation journey. It is unrealistic to expect a TRC to deal with the psycho-social wellbeing of an entire nation; especially when the wounds are as deep as they are in SA. Had the recommendations of the TRC report been implemented some of these measures might have been implemented. But in the absence of addressing this; I hear more and more people in and around Cape Town expressing hopelessness and feeling forgotten and a deep sense that their sacrifices during the struggle against apartheid were in vain. Furthermore, researchers[[1]](#footnote-1) have found that the relationship between truth-telling, psychological healing and PB is dubious. For some people, participating in truth-telling processes has positive effects; for others, the effects are negative in that they have the potential of opening psychological wounds that can result in increased depression, anxiety or PTSD. Truth- telling, they argue, has no significant impact on the sense of justice, feelings of revenge, violence and retribution and improvement in the psychological effects of trauma. They argue that ‘policy-makers need to restructure reconciliation processes in ways that reduce their negative psychological costs while retaining their positive societal benefits’.

We know that conflict weakens the social fabric that governs relationship and the capacity for recovery. But we must understand that in the aftermath, the causes of interpersonal conflict might still exist, and may even have worsened as a result of violence during the conflict. The ability of individuals and societies to cope with such extraordinarily painful experiences, and with the developed mistrust and fear, is often impressive but also limited , and the breakdown of coping strategies is frequently related to psychosocial trauma. Due to the conflict, the natural ties, rules and bonds between people and within communities that strengthen coping and resilience are often destroyed.

Restoring the social fabric that binds and support people within their own communities is vital for those who have experienced serious traumatic events; recreating the feeling of connectedness to other people is essential for building reconciliation.

Given that conflict tends to adversely affect people’s mental health, and that high levels of poor mental health affect the ability of individuals, communities and societies to function peacefully and effectively during and after conflict, I would like to argue for us to be far more overt and creative in integrating mental health and psycho-social support structures into all levels of the post-conflict justice and reconciliation journey.

Recent research by Canaletti from Israel and Palestine[[2]](#footnote-2) for instance shown that mental health is a key contributor to many of the underlying attitudes that perpetuate the continued cycle of hatred and aggression between Israelis and Palestinians. They argue that the dearth of available psychological support services in Gaza is not only a humanitarian problem, but also a barrier to progress towards reconciliation. As in South Africa, the escalation of violence in many communities emphasizes the crucial need for comprehensive interventions that bolster coping, mitigate loss of social and economic resources, reduce threat perceptions, and ameliorate mental disorders.

As such l’ d like to argue that SA should have put in place institutions mandated to operate long after the TRC closed its doors to proactively and collectively engage the citizenry in dialogue about their experiences and memories of the past. Such institutions would benefit not only those sharing and listening but , if documented, such a process could also contribute to a more comprehensive and inclusive documentation of the past that could be taught to future generations; so many of who have very little understanding of SAs path to democracy.

Ensuring a continued constructive engagement with the past-ideally through the creation of dialogue platforms on race and racial identity at a micro, meso and macro level, might prevent some analysts from saying things like ‘reconciliation in SA has not failed; it has simply not been attempted’ or ‘it is not because of too much reconciliation that justice was not realized, but because of too little’.

In SA, the absence of long-term mechanisms and structures that ensure the continued roll-out of projects and activities that keep the conversation about the past on the table- as a reminder of the past and what was achieved but also as a load star for the future; to remind us where we don’t want to go again-could have done a lot prevent us from getting to the very volatile situation we are in.

One advantage is that we know quite a bit about the nature of the challenges we face. Since 2001, my organization has hosted the South African Reconciliation Barometer, a public opinion survey which tracks reconciliation in SA and annually provides statistics to government, civil society and the population at large on how South Africans themselves feel about reconciliation, one another, government and the future. The survey tells us that when asked how much they trust people from other race groups, 41% said somewhat, and 21% said not very much or not at all. Asked how often in the last month people interacted or talked to someone from a different race group at social gathering and events, 46% said rarely or never. Finally, asked whether they trust in national government; 28% said somewhat and more than 40% said not very much or not at all.

As practitioners in this field we understand the importance of building trust and enabling meaningful inter-personal connection as part of the reconciliation journey. My country has a long way to go.

I do not have time to go in detail into the other two areas which I believe we should have addressed far more aggressively in the post 1994 dispensation- education and socio- economic development.

In SA we campaign for free education. In my view we should be demanding more-not just free education that currently fails to get many youth onto the employment ladder( we presently have 38% youth unemployment) but GOOD free education.

SA still has one of the highest education expenditures in the world; sadly the results and the numbers of youth who are absorbed into the labor market does not correlate with the expenditure. If, after 1994, we had rolled out the quality of education white students were enjoying in the apartheid era to the rest of the country; we would now be welcoming a far larger quotient of skilled youth into our labour market; thereby contributing to undoing the very high levels of frustration amongst youth unable to gain access to tertiary institutions and the job market and whose discontent is a ticking time bomb.

In conclusion:

I am not a pessimist. In my daily life I also see changes which give me hope that our society is changing. The current process and debate about land redistribution –an area where too little progress has been made since 1994-is encouraging. And I am the first to sing the praises of the reconciliation initiatives that have taken place in SA far.

I do however feel strongly that for the benefit of other countries embarking on transitional justice processes we need to look very critically at the South African journey and learn as much from its failings as from its successes.

I thank you.

1. Mendeloff (2009) and Cilliers et al. (2016) [↑](#footnote-ref-1)
2. Cannetti ( the Lancet) : Israel and Palestine [↑](#footnote-ref-2)