



Graduate School of Development Studies

**THE REINTEGRATION OF EX-COMBATANTS IN SOUTH
AFRICA:
Past difficulties and future challenges**

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LIST OF ACRONYMS

ABET – Adult Basic Education Training
ANC – African National Congress
AP – Assembly Point
APLA – Azanian People’s Liberation Army
BOR – Bill of Rights
CC – Constitutional Court
CPR – Certified Personnel Register
CSVSR – Centre for the Study of Violence and Reconciliation
DDR – Disarmament, Demobilisation, Reintegration
ICESCR – International Covenant on Economic, Social and Cultural Rights
IFP – Inkatha Freedom Party
MK – umKhonto weSizwe
NGO – Non-governmental Organisation
NP – National Party
NPAT – National Peace Accord Trust
NSF – Non-Statutory Force
PAC – Pan-African Congress
PTSD – Post-Traumatic Stress Disorder
SA – South Africa
SADF – South African Defence Force
SANDF – South African National Defence Force
SANNC – South African Native National Congress
SC – Service Corps
TAC – Treatment Action Campaign
TBVC – Transkei, Boputhatswana, Venda, Ciskei
UDHR – Universal Declaration on Human Rights
UNHCR – United Nations High Commission for Refugees
UNISA – University of South Africa
ZANU – Zimbabwe African National Union

1 INTRODUCTION

“...sacrifices made by military veterans in the service of or for their country or their role in the democratisation of South Africa are honoured” (s3(a) of the *Military Veterans Affairs Act*, 1999).

“Now we are told now we are old, we can’t integrate, and it means what to us? You go back bare-handed, you don’t have even a house.” (MK ex-combatant; Interview 3).

“Nobody is gonna help us” (MK ex-combatant; Interview 1).

After the conflict in South Africa ended, it was generally assumed that some form of recognition would be given to those who had “served the public interest in establishing a non-racial, democratic constitutional order” (Part I, s1(1) of *Special Pensions Act*, 1996). This would be supplied both as a “debt of gratitude”, and as compensation for the “hardships they endured during the conflict and on returning to the country; their particularly vulnerably status in civil society, and as a gesture of reconciliation” (Cock, cited in Gear, 2005a: 44).

The South African government initially reinforced this, passing legislation and devising programmes to help ex-combatants in South Africa to disarm, demobilise, and reintegrate into society (a DDR programme); and to provide them with some form of reward for their service. However, this did not last. As has been found in both this paper, and in others, ex-combatants in South Africa are currently a marginalised group, facing numerous difficulties and hardships. This has also now been acknowledged by government, with a Briefing to the Portfolio Defence Committee admitting that during the process “there had been problems...and it had been painful as well” (Parliamentary Monitoring Group, 2004b).

The initial question therefore is what went wrong? And, subsequently, how can this be addressed or remedied in the future? In attempting to answer these questions, I will be looking at the situation currently facing ex-combatants, and how the processes implemented by government led to the marginalisation of the group. This will also involve looking at how this marginalisation has manifested, in terms of the specific rights and processes that ex-combatants are being excluded from. In looking at the shortcomings of the South African processes, I will

also be looking at problems encountered by other countries attempting similar programmes, and at more generic problems that tend to arise from these.

The paper will begin with a brief historical background to the study, focusing mainly on those events that led to the initial mobilisation of combatants. It will then turn an outline of the major theories and concepts that will be used and discussed. Chapter 4 will look in more depth at the research done in this study, and at some difficulties encountered. During the research, I conducted 15 semi-structured interviews. I interviewed eight ex-combatants; eight people who do research on, or work with, ex-combatants; one person from the Department of Defence; and one person working for the South African Defence Force (SADF). I also consulted numerous secondary sources on the topic, including reports, articles, books and monographs.

The next chapters are the analysis section of the paper. Chapter 5 will look at the difficulties encountered in the South African DDR programme, as well at similar programmes in other Southern African countries. Chapter 6 will focus on how the programme led to the social exclusion and marginalisation and exclusion of ex-combatants, and at the specific rights which are being denied to this group. Chapter 7 will look at problems which arise in DDR programmes generally, but will focus on them as they have arisen in the South African context. Finally, chapter 8 will look some the possible approaches that government could utilise in attempting to address the problems outlined in the paper.

This paper will attempt to provide some recommendations for possible action to be taken to address the problematic situation currently facing ex-combatants. Although it is difficult to clearly outline potential plans, some suggestions regarding the most appropriate possibilities will be made.

As a final introductory point, throughout this paper I will be making use of the old racial classifications used in South Africa. Although I personally do not endorse the labels of “black”, “white”, “coloured”, or “Indian”, they are still used fairly regularly in South Africa. Thus, for ease of reference, I will be employing these terms throughout.

2 HISTORICAL BACKGROUND

The focus of this paper is on ex-combatants and their reintegration into South African society. For this reason, I will look only at the history that led to the initial mobilisation of combatants, and on the processes which resulted in the development of a disarmament, demobilisation and reintegration (DDR) process. Although South Africa's (SA's) history is much more complex, there is insufficient space to go into a more thorough account in this paper¹.

In 1910, SA officially achieved independence from Britain, and became the Union of South Africa (Ross, 1999: 79). Power in the country was left in the hands of a white minority, and resistance groups began to emerge almost immediately. In 1912, the South African Native National Congress (the SANNC – later the African National Congress – the ANC) was formed (Davenport, 1991:236). In 1959, the Pan-Africanist Congress (PAC) was formed (Davenport, 1991: 357). Both groups followed policies of passive resistance to apartheid for many years (Davenport, 1991: 287). This included bus boycotts, mass stay-aways from work, and deliberate civil disobedience.

In 1924, the National Party (NP) came to power (Ross, 1999: 105), and soon after began to institute their now infamous policy of *apartheid* – separation of the races (Davenport, 1991: chapter 20). Essentially, the aim was to separate all the racial groups, as well as to ensure that white South Africans received preferential treatment on almost every front. Thus, over the years legislation was passed which meant that different racial groups were not allowed to share public facilities (including beaches, cinemas, theatres, toilets, park benches); were not allowed to marry; and were not allowed to live in the same areas. Different areas of the country were classified as white, black, coloured or Indian, and only people from the correct racial group were allowed to live there (*Group Areas Act*). This not only applied within cities and towns (different suburbs being set aside for different groups), but on a country-wide scale – certain areas were set aside as “Homelands”, or Bantustans (Davenport, 1991: 413). These were areas where specific tribal groups were encouraged to live, and they were given nominal independence from the South African state (although they were generally under the power of NP-supported chiefs,

¹ More comprehensive histories can be found in Davenport (1991), Ross (1999) and van Kessel (2000)

or Presidents). Only four areas accepted this agreement – Transkei, Bophuthatswana, Venda, and Ciskei (the so-called TBVC States). They were declared independent from SA, and residents were given separate passports. However, only the South African government recognised these areas as independent states (Davenport, 1991: 414).

One aspect of the separate areas legislation led more directly to the change from passive to armed resistance. All non-whites were required to carry passes if they were in white areas (Davenport, 1991: 530). In 1960, the PAC organised a march to a police station in the township of Sharpeville to protest against this. The police responded by opening fire on the crowd and it resulted in the killing of more than 60 protestors (Ross, 1999: 129). This act brought extensive international criticism onto the NP, and also resulted in both the ANC and the PAC abandoning their policies of passive resistance, and deciding to take up arms against the apartheid state (Ross, 1999: 131). Both groups formed armed wings in 1961 – the ANC formed *umKhonto weSizwe* (MK), and the PAC formed the Azanian People's Liberation Army (APLA). The NP responded by banning both the ANC and PAC and their armed wings, and by arresting many of their leaders. This meant that many members of these groups had to go into exile to avoid arrest (Ross, 1999: 131). Many received military training while in exile, and training camps were set up in a number of neighbouring Southern African countries. However, it meant that, for most of the 1960s and early 70s, both of these groups were effectively leaderless, and somewhat ineffectual within SA (Davenport, 1991: 143; Gear, 2005a; Heideman, 2007).

In June 1976, students in the township of Soweto outside Johannesburg protested against the inferior education system being provided to black and coloured South Africans (Davenport, 1991: 389). The “uprising was put down with great harshness” (Ross, 1999: 143), and a number of school children were shot and killed. This led to resurgence in the armed resistance struggle, as new leaders stepped forward, and many more people decided to join the armed groups in exile (Ross, 1999: 143). The protests also led to more neighbouring countries beginning to support the armed resistance groups, making access into South Africa easier and more effective. The protests spread across the country, and led to large-scale unrest.

During this time, the South African Defence Force (SADF) became militarily involved in a number of neighbouring African countries (eg. Namibia, Zimbabwe, Mozambique, Angola). These countries were becoming independent in the 60s, 70s and 80s, and were increasingly voicing their opposition to apartheid. They had also begun assisting, and receiving assistance

from, SA anti-apartheid liberation groups. The SA government responded by attempting to silence its critics and opponents in the region through destabilisation campaigns (Human Rights Watch, 1998: 25). It was also an attempt to stop these neighbouring countries supporting the ANC (Stott, 2002). This meant that many SA soldiers, from both the SADF and MK/APLA, spent many years engaged in the wars in the surrounding countries.

In the early 80s, there were repeated calls by the liberation groups to make SA “ungovernable” (van Kessel, 2000: 35). The state responded harshly, and many people were arrested and tortured. Successive states of emergency were also declared by the state during the 80s (van Kessel, 2000: 31), which gave the police and army wide-ranging powers of arrest and detention. International pressure on SA began to increase, with many countries imposing economic sanctions. In the late 80s and early 90s, the NP finally began un-banning liberation groups and leaders (van Kessel, 2000: 218). Peace negotiations between the state and some of the liberation groups also began (Ross, 1999: 189).

Part of the negotiations revolved around all the armed groups – MK, APLA, SADF, and the old homeland armies – and what would be done with them. MK agreed to suspend its armed struggle in the early 90s. APLA only followed suit after the elections in 1994. It was decided to incorporate all the armed groups into a single National Defence Force (the SANDF – South African National Defence Force). Those who were too old, unable, or unwilling to join the SANDF would be demobilised.

Another consequence of the peace agreements was that it enabled many people to begin to return from exile. The UN High Commissioner for Refugees (UNHCR) began sponsoring a “voluntary repatriation programme” in 1991 for returnees (UNHCR, 1991). Those in exile returned as “civilian refugees”, and had to give up any arms they possessed. It is not known how many refugees and combatants returned in this time. This is considered something of an “informal demobilisation” process and will be looked at in more detail later in the paper.

Despite the peace negotiations, violence within SA actually increased in the early 1990s (Ross, 1999: 187). Much of the violence was taking place between the different liberation groups, but was heavily sponsored by the NP government (Gear, 2005a; Stott, 2002). All of these groups therefore still had high numbers of recruits during this period, despite the announced suspension of the armed struggle.

In 1994, the ANC came to power in the country's first democratic election. In 1996, the DDR programme began with the *Demobilisation Act*.

3 THEORETICAL AND CONCEPTUAL BACKGROUND

This section will briefly outline the relevant theories that will be used in this paper. It will begin with an overview of disarmament, demobilisation and reintegration (DDR) programmes in general. This will include both the aims behind, and some of the potential problems with, DDR. It will then look at the South African (SA) version. Next will be an outline of the theory of social exclusion. Finally, this section will look at International Human Rights Law, and how it has been applied in SA. This will include an overview of the relevant South African legislation and case law.

3.1 Disarmament, demobilisation and reintegration (DDR)

“Demobilisation and reintegration are stages in a process by which government armed forces and/or opposition forces are either reduced or completely disbanded, and the ex-combatants join the civilian society and economy” (World Bank Report, 1996: 4).

“[a] national DDR plan should be designed to reduce the threat of armed insecurity” (Muggah, Maughan & Bugnion, 2003: 42)

DDR is generally implemented after the end of a conflict within a country, with the aim of reducing the numbers of combatants; assisting them in returning to civilian life; and attempting to return to peace and security in that country. The first step is that of disarmament. Ex-combatants are required to give up their arms, either voluntarily or in return for some form of compensation (Dzinesa, 2007). These arms are then usually either destroyed, or re-distributed for use by the official armed forces. There are numerous dangers attached to inadequate disarmament processes, including an increase in a local arms trade, or a return to hostilities between the previously-warring parties, as occurred in Angola (World Bank Report, 1996). I have not focused on this step of the process in any great detail in this paper. However, there is a fair amount of literature on it (eg. Gear, 2005a; Isima, 2004; World Bank Report, 1996).

The second step is demobilisation. The most simple definition is that demobilisation is the process whereby the size of the armed force is reduced (Dzinesa, 2007), often as a way to

reduce military spending (Kingma, 2004). However, it is more commonly associated with the specific programmes created to help with the “transposition of military personnel into civil society” (Gear, 2005a). There are numerous reasons for which governments might attempt demobilisation programmes, including reducing the threat of ex-combatants returning to fighting; aiding combatants in gaining skills applicable to civilian life; or transferring resources from the military to other sectors (World Bank Report, 1996).

The final stage is reintegration. This is an ongoing process which allows ex-combatants and their families to adapt, economically and socially, to productive civilian life (Isima, 2004; ISS Monograph 80, 2003). There needs to be a particular focus on economic reintegration, where retired/demobilised soldiers achieve financial independence by securing livelihoods for themselves and their dependants through productive/gainful employment (Lamb, 2007). An essential part of this process is the re-skilling of ex-combatants – giving them the necessary skills to earn a living in civilian society.

An important question during the reintegration phase is whether to provide targeted programmes, which are specifically tailored for ex-combatants; or non-targeted programmes, which are designed to involve the broader population and communities. Targeted programmes can help improve the skills and experience of ex-combatants, and provide counselling to ease their transition into civilian life (World Bank Report, 1996: 51). This is necessary because, according to Gear (2005a: 47), “ex-combatants tend to be particularly vulnerable by virtue of their limited experience in civil society and their lack of marketable skills”.

On the other hand, this could result in some backlash from other poor or marginalised communities. It can lead to questions regarding “why veterans and their families should be singled out for special attention [and] raise some resentment about their favoured treatment” (World Bank Report, 1996: 54; also, Isima, 2004). If one is attempting to reintegrate ex-combatants into communities, then singling them out as a special group could result in the opposite – they will remain a separate group. During the demobilisation itself, special efforts for ex-combatants are often necessary; however, during the reintegration phase, support should be “increasingly community-based and part of general post-conflict rehabilitation efforts” (Kingma, cited in Gear, 2005a: 55). When deciding whether or not to use targeted programmes, one must look at three factors: 1) whether ex-combatants are a special needs population; 2) whether their return to productive non-military activity is more important for the overall security

of the nation than that of other groups; 3) whether targeted programmes are effective (World Bank Report, 1996: 51).

A number of additional factors are often mentioned as possible consequences of ineffective or poorly-planned programmes in the literature on DDR. For the purposes of this paper, these involve issues surrounding masculinities and militarised identities; the possible criminality of ex-combatants; and the threat of their re-mobilisation. When looking specifically at the SA context, the issues around identity and recognition as freedom/liberation fighters are also relevant. I will look at these issues in more depth in chapter 7, but it is necessary to briefly outline them here first.

Masculinities in SA have a number of different forms and aspects, and these can change across different age, race and geographic groups. According to Morrell (1998), there is no single masculinity in any society; there are multiple masculinities, and they are socially-constructed and fluid. Nevertheless, some aspects seem to hold true for a number of groups, and to be quite important for many men. In the SA context, one of the more salient concepts of masculinity is that of being able to provide for one's family financially (Sauls, 2005); or being a financial success (Foster, Haupt and De Beer, 2005). A further important aspect is that of "toughness" (Foster *et al.*, 2005), or violence (Salo, 2005). Being able to prove oneself as a "man" through tough or violent acts can be very important for a number of men.

The aspect of violence is especially important when dealing with male ex-combatants. Because these men are coming from military backgrounds, they are likely to have something of a "militarised masculinity" (Interview 11); this has been noted as a "significant and potentially dangerous factor" which can contribute to ex-combatants' involvement in further violence (Gear, 2005a: 105). As stated in Foster *et al* (2005: 76) "militarism and masculinity...were the trademark characteristics of the secretive underground cells of MK and APLA". In a "militarised masculinity", individual and collective acts of violence are often seen as legitimate and natural (Gear, 2005a). Another part of this militarised masculinity is attached to the use of guns or weapons, as this is seen as a sign of power and authority (Cock, cited in Gear, 2005a; Interview 11). The fact that many ex-combatants had never been properly demobilised meant that they had no way of losing that militarised identity, and also had nothing to replace it with (Foster *et al.*, 2005). This means that this form of masculinity has remained the most salient for large numbers of these men.

The factor of masculine violence, combined with the need for men to be able to provide for their families financially, can lead to another major issue – that of the criminality of ex-combatants. The danger in this situation is that “thousands of former soldiers, unable to find employment, will contribute to the already high level of violent crime” in SA (Kynock, 1996: 456). Thus, according to Williams (2005) and Dzinesa (2007), if a reintegration strategy is not functioning properly, there is the danger of former soldiers turning to crime. The criminality of ex-combatants is generally considered to be a very real threat, and the SA situation is no different.

The threat of ex-combatants re-mobilising is also a serious one. The aim of DDR is to “forestall a return to the cycle of violence and to put the society on the path of social and economic reconstruction as a guarantee for peace and stability” (Isima, 2004: 2). The demobilisation of ex-combatants is an essential part in this, as unsuccessfully demobilised and reintegrated ex-combatants pose “significant threats to security and stability” (Dzinesa, 2007: 74). There are a number of examples of countries where ex-combatants re-mobilised (World Bank Report, 1996), and played a major part in disrupting the peace or security of the country. These will be looked at in more detail in chapter 5, and the threat of this in relation to SA ex-combatants will be discussed more fully in chapter 7.

The identity of former liberation fighters, and their recognition by government after the end of the conflict, can play some role in the threat of their re-mobilising. In SA, many MK ex-combatants’ families had high expectations of them when they returned from exile. It was thought that the ANC would provide for their old fighters, and these people would then be able to provide for their families (Interview 9; Interview 11). This expectation was fairly widespread, and felt strongly by the ex-combatants (Interview 3). There was the idea of returning ex-combatants as “heroes”, who would be able to support those around them (Cock, cited in Gear, 2005a; Mashike & Mokalobe, 2003). However, many ex-combatants came back with no money and no job skills, meaning they were unable to support even themselves, let alone their families.

This identity is also related to the recognition, or lack thereof, that these ex-combatants receive from government. In some of the interviews, ex-combatants mentioned the lack of recognition as a very disheartening factor for them (Interview 3). The government that they had fought to bring to power had now seemingly forgotten them. This has led to feelings of

disillusionment (Interview 11) and betrayal (Everatt & Jennings, 2007; Gear, 2005b). Many ex-combatants are also becoming angry (Liebenberg, Ferreira and Roefs 2002), as this lack of recognition is a difficult aspect for them to accept (Abrahams, 2005; Foster *et al.*, 2005).

3.2 South Africa's DDR

SA's DDR was structured slightly differently to other programmes, although it still contained three phases: integration, rationalisation, and demobilisation. Prior to all of these, Assembly Points (APs) were established in a number of locations around SA, for ex-combatants returning from exile. They were required to report to the APs, and wait there until the official start of the DDR.

The integration phase was intended to combine all the old armed forces into a single SA National Defence Force – the SANDF. The integration included the South African Defence Force (SADF) and armies from the old homeland states, as the “statutory forces” (Kynock, 1996); and the old liberation group forces of umKhonto weSizwe (MK) and the Azanian People's Liberation Army (APLA) – the “non-statutory forces”, or NSF. During this process, those from the NSF were required to undergo “bridging” training courses, in order to qualify them for service in a statutory defence force (ISS Monograph 59, 2001). These courses involved formal military training, as well as training in the rules of humanitarian law (Interview 3).

The second step was rationalisation, which was the “shedding of full-time SANDF personnel” (Kynock, 1996: 443). This involved providing retrenchment packages to serving members of the SANDF, in order to cut its size and budget. The size of the retrenchment packages was determined by how long the combatant had spent in an armed group. For an NSF ex-combatant, the years spent in the liberation group would also officially have been counted.

Finally, demobilisation was intended to assist in the “disbanding of members of the former non-statutory forces who do not enter into agreements for temporary or permanent appointment with the SADF” (*Demobilisation Act*, 1996, Part I 1(v)). In other words, those who either could not, or did not want to, integrate into the SANDF for reasons of “age, ill-health or aptitude” (Kynock, 1996: 444). Job-skills training courses were provided to this group, through a body known as the Service Corps (SC). These job-skills courses were intended to equip ex-combatants with skills to reintegrate into civilian life in SA. All ex-combatants who were

demobilised were also entitled to a gratuity pay-out. These gratuities were dependant on the number of years spent in an armed force. The figures are shown in Table 1 (Chapter 5, p.31).

3.3 Social exclusion

Social exclusion is the “dynamic process of being shut out, partially or fully, from any or all of several systems which influence the economic and social integration of people into their society” (Commins, 2004: 68). It is the reverse of inclusion in human rights, which has a multi-dimensional character of well-being (Ljungman, 2004).

Social exclusion is broader than simple economic exclusion, and has as much to do with expectations as with income. Thus, “poverty” no longer just means a lack of material resources, but also includes a lack of power and choices (Ljungman, 2004). Social exclusion is relative, as it can involve being excluded from different groups or parts of society at different times. It is also relative to other people within society, rather than to a fixed standard or benchmark. It is a dynamic process, as there are aspects of past, present and future exclusion (Atkinson, 1998); it is therefore not static, and people can be excluded or included at different times from different groups. There are also issues of agency involved, as people can be excluded by others, or exclude themselves, for a range of reasons (Atkinson, 1998). Thus, it arises from the choices (or lack thereof), of both the excluded group, and of those doing the excluding (Meyers, 1993). What generally needs to be kept in mind is the institutionalisation of exclusion – society is organised around a dominant group, and they are the ones who create the institutions. Any differences or deviations from the standards set and expected by the dominant group will be noticed, or apparent (Meyers, 1993). Social exclusion also tends to act against a group, rather than an individual, as it is affected by one’s group membership.

Although social exclusion is broader than economic exclusion, Aasland and Fløtten (2001: 1030) see exclusion from the labour market as “probably the single most important indicator of social exclusion”. This is because exclusion from the labour market can lead to the risk of “weakening or disintegration of social networks and social relations” (2001: 1027). However, there are also other important areas of social exclusion, including education, participation in civil society, social arenas and “norms” etc. These can often overlap, meaning a person or group can be excluded in multiple different ways at once.

3.4 Human rights and the law

If a group is being excluded, it can be helpful to look at which rights they are being excluded from. Therefore, in this section, I will be looking at the different aspects of human rights law that apply in this case study. This will include the international human rights instruments, as well as how they have been implemented in SA legislation, and case law.

3.4.1 International human rights law

According to the preamble to the *Universal Declaration of Human Rights* (UDHR, 1948), all human beings are entitled to certain inalienable rights, which apply to all people equally. They include fundamental moral and legal entitlements that pertain to basic well-being and dignity (Ljungman, 2004). All human beings are rights-holders, and states are the primary duty-bearers in the human rights framework (art 3(1) of the *Declaration on the Right to Development*, 1986). This means that states are required to “respect, protect, and fulfill” rights for all (s7(2) of the *Constitution of the Republic of SA*, 1996; *Vienna Declaration*, 1993, Part I).

The element of “respect” requires states to abstain from infringing or violating rights. “Protect” requires states to prevent violations of rights by other individuals or non-state actors, and to provide access to legal remedies when violations do occur. “Fulfill” relates to the active measures that are necessary to guarantee opportunities to access entitlements (Ljungman, 2004). Although fulfillment requires states to facilitate, provide and/or promote rights, it does not necessarily mean they need to directly meet all socio-economic needs.

An important aspect of human rights is not just their existence on paper, but that humans need to have equal access to these rights, and the opportunity for active, free and meaningful participation in them (*Declaration on the Right to Development*, 1986.) Thus, people need to be able to access the available goods and services necessary to fulfill their basic human needs (Ljungman, 2004).

Countries which have ratified or acceded to international human rights treaties are legally bound by the provisions in those treaties.

3.4.2 Applicability and implementation in South African law²

SA has signed, but not ratified, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966). SA is therefore not legally bound, although the *Constitution* of SA (1996) has already incorporated many of the rights contained in the ICESCR into its own Bill of Rights (BOR). This is reinforced by s39 of that *Constitution* which states that, when interpreting the BOR, courts “must consider international law” (s39(1)(b)). This reveals a “clear determination to ensure that the *Constitution* and South African law are interpreted to comply with international law, particularly in the field of human rights” (Dugard, 2005: 64). The relevant rights include the right to housing (s26); to health care, food, water, and social security (s27); and to education (s29). These are all contained in the ICESCR (1966, arts 11 and 13). The right to an adequate standard of living, and to education are also contained in the UDHR (1948, arts 25 and 26). The right to work is contained in art 23 of the UDHR (1948); and Part III, art 6 of the ICESCR (1966).

It is difficult to set out how to ensure provision of economic, social and cultural (socio-economic) rights, as this often requires positive action on the part of the state. The way the rights have been worded in the *Constitution* means that more emphasis is placed “on access to the socio-economic benefits, as opposed to the actual benefits themselves” (Martin, 1999: 14). The BOR in SA requires the state to take “reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights” (s26(2); s27(2)). This means that providing access to socio-economic rights will often depend on the availability of resources for their implementation.

The SA Constitutional Court (CC) has decided some cases on the provision of socio-economic rights by the State. In *Government of RSA & Others v Grootboom* (2000), the CC declared that the State is required to act positively to provide access to the rights contained in the BOR, as “the *Constitution* obliges the State to give effect to them” (para 93-94). Thus, socio-economic rights require active fulfillment on the part of the State. In *Minister of Health & Others v Treatment Action Campaign & Others* (2002), the CC set out a test of the

² This is a complex issue, and there has been a significant amount written on the topic. This paper is not able to go into any great detail on the discussion. For further reading, see Fitzpatrick & Slye (2003); Pieterse (2004); and issues of the *ESR Review*.

reasonableness of the actions taken by the State to provide access to these rights. If the State is failing to provide access to a certain right, the court will have to decide whether this is reasonable, given the available resources and the concept of progressive realisation (Liebenberg, 2005: 6).

In order to be reasonable, a policy must, in both content and implementation, be “adequate to facilitate the progressive realisation of the right within prevailing resource constraints, and must be comprehensive, coherent, balanced and flexible” (Pieterse, 2004: 802). According to the Committee on Economic, Social and Cultural Rights (General Comment 3, 1990: para 10), the State is failing if a “significant number of individuals is deprived of essential” socio-economic rights. The obligations on the state will apply primarily to groups, rather than to individuals; and, socio-economic rights include an “inherent preference” for the poorest and most disadvantaged in society (Fitzpatrick & Slye, 2003: 677).

Using the above-mentioned theories and concepts, in the following chapters I will be showing how the SA DDR programme resulted in significant social exclusion and denial of rights for many ex-combatants. This will include looking at examples of other regional DDR programmes, and at possible avenues government could pursue to address the current situation.

4 METHODOLOGY

4.1 Introduction

In this research, I conducted 15 semi-structured interviews. I interviewed eight umKhonto weSizwe (MK) ex-combatants; four academics who have done research on ex-combatants; four people working for groups (non-governmental organisations – NGOs – or private companies) which work with, and do research on, ex-combatants; one person from the Department of Defence; and one person from the Service Corps programme. On two occasions I interviewed small groups of three ex-combatants at once; on two other occasions I had one-on-one interviews. Two of the academics I spoke to were attached to the University of South Africa (UNISA); two were from the University of the Witwatersrand. Of those working for NGOs and private companies, one was from the Centre for the Study of Violence and Reconciliation; one from the National Peace Accord Trust; one from Strategy and Tactics; and one from the Tswelopele project.

Each interview lasted between 45 minutes and 1 hour 30 minutes. Only one interview was tape-recorded (with the consent of the three participants). The rest of the interviews were written up by hand.

I also consulted numerous secondary sources, including reports, articles, books and monographs written on the topic.

4.2 Interviews

The majority of my interviews were one-on-one. This was partly because of the sensitivity of the topic being researched, and partly for practical reasons. For many of the ex-combatants, there is considerable shame attached to their current unemployed and dependant status. Thus, speaking about their experiences in front of a group could have been quite uncomfortable, and could also have led to them holding back somewhat. I therefore felt one-on-one interviews would be more appropriate. I also anticipated interviewing a relatively small number of people (less than 20), meaning that interviews were feasible within my fieldwork time-frame.

In practical terms, I had limited time to organise and carry out the interviews. It was generally easier to organise an interview with one person at a time, rather than attempting to coordinate a group.

When talking to ex-combatants, many had had very different experiences, depending on when they had joined, and where they had been trained. With one-on-one interviews, I could gain a deeper understanding of this than if I had attempted group interviews. When I did do small group interviews, all the participants had served together within one MK group, meaning they had been in similar locations at the same time. Also, the academics and the people from organisations had done quite different research and programmes. By interviewing each separately, I could get a better idea of what the research or programme had entailed.

When I did conduct small group interviews, with three interviewees each, it was not really due to planning on my part. On both occasions, my contact person within the group had organised for others to be present during the interview. This meant that I could gather a wider range of information than if I had just spoken to one person. Occasionally it also meant that I could not go into as much detail with each person as I might have liked. However, as I was unsure whether I would be able to contact all the people again, it was more practical to do the group interviews.

4.3 Negotiating access

The issues about negotiating access were somewhat different when trying to contact ex-combatants, although generally I was able to negotiate access more easily than I had anticipated. Before beginning my fieldwork, I had set up interviews with a number of academics and people attached to organisations in South Africa (SA), and many of these were in place before I left for the field. However, I could only get in touch with the ex-combatants once I had arrived in SA. I was unable to contact any veterans associations – the groups either did not have a listed phone number, or would not answer their phones, and I did not have any contacts within these groups. I therefore had to contact most people individually. In the majority of cases, I was given contact details for ex-combatants by others that I interviewed or had previous contact with.

However, my interviews were wholly confined to those who had been in the African National Congress (ANC) and MK. I was unable to find any contacts in the Azanian People's

Liberation Army (APLA) or from the old South African Defence Force (SADF). Although this was disappointing, as I had wanted to interview ex-combatants from a range of groups rather than just MK, it was perhaps a good thing. It meant I could get better depth of information on the experiences of one group. What should be borne in mind is that eight combatants out of a possible 32 000 (the estimated number of MK combatants in 1994) is hardly a large sample. Thus, my interviews with ex-combatants serve more as illustrations of the experiences of individuals, than of the experiences of the group as a whole.

During the interviews with ex-combatants, I was generally quite surprised by how willing people were to speak to me. I had been warned, prior to starting my research, that ex-combatants can be a difficult group to gain access to; that many would be unwilling to speak to me as an “outsider”, or would only be willing to do so for a fee. However, all those I spoke to were fairly open in discussing their experiences, and a number were also willing to give me contacts for further interviewees. Because I could not contact a central organising body, this was my only real means of accessing this group. Although this can be an effective way of contacting sources, there are also disadvantages. You may end up with a large number of people from only one part of the group, and therefore obtain a very one-sided view of the group’s experiences, and it can be difficult to generalise. However, because of the small sample size in my research, most of my information on the more general experiences of the group came from secondary sources anyway.

4.4 Difficulties and constraints

Although negotiating access turned out to be easier than expected within MK, there were a number of other complications that arose in the interviewing process. One of the major constraints that I faced revolved around, quite simply, my identity as a white female in my early twenties. One legacy of SA’s highly racialised past is that one’s racial identity is almost always quite salient and noticeable. Also, because the liberation struggle for a significant part revolved around racial identity, many ex-combatants are also very aware of race, both their own, and that of others. The difficulty for me, as a white South African, was interviewing predominantly black and coloured people who had spent a number of years fighting against white domination.

Although I had expected this to be a constraint, it was difficult to know how it would manifest in interviews. In the majority of cases, the topic was not stated outright, but was

mentioned in more subtle ways. For example, a phrase that I came to hear very often ran along the lines of “You people didn’t really know what was happening” (Interview 1), or “People like you don’t know what it was like” (Interview 4). It was generally assumed that I had little knowledge of the history of the liberation struggle, or of human rights abuses which may have taken place at the hands of the South African Police and SADF. It was also assumed that “people like me” – white people – had been the oppressors.

As a result of this, it was often difficult to gauge how open or honest my interviewees were being. Because there is sometimes very little trust between people of different racial groups, it was difficult to know how comfortable the interviewees felt in speaking to me. This means that they could have been censoring the information, because of our racial differences.

One factor which I think served a dual role, counting both for and against me, was my age. All the people I spoke to were older than me – the youngest were in their mid- to late-thirties, and the oldest were in their sixties. The downside of this was that some people assumed I was too young to know anything about the apartheid struggle, and they considered me quite naïve in my research of it (Interview 1). However, this same fact also seemed to work in my favour occasionally – as I was born near the end of the apartheid era, I could not have been a part of it, and was therefore a more “acceptable” white person (Interview 3).

Another factor which served a dual purpose was the fact that I am studying at a European institution. On the one hand, my studying in Europe merely strengthened the image of me as a white, privileged South African (Interview 4 and 5). When meeting people who had very little in monetary and material terms, it was sometimes quite embarrassing to “admit” to having the money to be able to study overseas. On the other hand, it occasionally seemed to work in my favour – if I was studying at a foreign institution, I would not be censored by the usual South African norms, and could therefore be more open and critical of the SA government in my paper. I could “write how it is” (Interview 10). Thus, in their view it meant I could be more impartial.

A further issue which I believed would play a role is the fact that I am female. In general, military cultures tend to be hyper-masculine (Foster *et al.*, 2005; Interview 11), with a lot of emphasis being placed on manhood and masculine identity. As my research focused solely on male ex-combatants, I expected this to be an important factor. I was therefore surprised to find

that my gender did not seem to play a major role during my interviewing. It was not mentioned by any of the respondents. In some instances, it added to my feelings of nervousness when interviewing a group of male ex-combatants in a remote location, and occasionally I questioned my own common sense in being there in the first place. However, the men were generally very courteous and, for the most part, quite friendly. Nonetheless, it would have been interesting to have had a male interviewer as well, to see if the responses differed.

Another issue that arose revolved around the ethics of compensation or payment for the interviews. For me, a difficult decision existed: many of the ex-combatants that I interviewed were unemployed, and some were almost destitute. Although the majority did not mention money, it was difficult to come into their lives for that short period of time, and give back nothing, especially when the people I was interviewing were in such desperate circumstances. On the other hand, if they did not ask for money, it seemed almost condescending to offer it to them. In general, I stated upfront to all my interviewees that I would be unable to pay them, and the majority accepted this. Related to this was the difficulty of being able to discontinue certain interviews when they seemed to be turning into a sort of group counselling. In one instance (Interviews 4 and 5) the men I was interviewing began showing me around their township, and introducing me to increasingly destitute and sick men. I ended up sitting in a house with a group of about eight ex-combatants, many who were HIV+, all of whom were unemployed, and listening to their current problems and grievances. They then asked me to come back for a follow-up two days later. The experience was very difficult, and also quite heart-breaking. I eventually declined to do the follow-up, as I felt I was not qualified or able to counsel these men through what was obviously a difficult time. However, this was not an easy decision to make.

A final issue which arose was that of language. All the interviews were conducted in English. Although I have a working knowledge of Afrikaans, it is not sufficient to conduct an interview in it. This meant that some of my interviewees were speaking in their second, or even third, language. In one instance, it led to the complete breakdown of an interview, and we had to find someone who could translate from English to Xhosa (Interview 5). However, even for those who did speak English, it was occasionally apparent that they were not able to express themselves as fully in their second or third language, and this gave some interviews a slightly strained feel to them. Also, it occasionally meant that I was unable to establish a particularly good conversation with the interviewee.

Because of the small number of interviews, my results can not really be generalised to represent the experiences of MK ex-combatants as a group. Also, the difficulties I faced in the interviews could limit their applicability to other members of the group. In general, my findings were consistent with the results of a number of other studies, and will be used as illustrations, rather than as evidence of the experiences of the entire group.

5 DISCUSSION AND ANALYSIS

5.1 Why DDR was ineffective

There has been acknowledgement from many sources that the disarmament, demobilisation and reintegration (DDR) processes in South Africa (SA) had numerous problems. In a briefing to the Portfolio Defence Committee on the *Final Integration Report* (Parliamentary Monitoring Group (PMG), 2004b), it was admitted that "...there had been problems [in integration] and it had been painful as well". This section will focus on the reasons behind why the current situation facing ex-combatants is so poor, and why the process was so problematic and painful. I will first look at those factors that affected the integration into the SA National Defence Force (SANDF), and then focus on those involved in the demobilisation and reintegration programmes.

5.1.1 Integration

One of the first major issues to look at is why so few of the non-statutory force (NSF) members ever attempted to integrate into the SANDF. Only 73 000 of the expected 138 000 participated and, of the 38 000 registered NSF soldiers, only 15 000 joined the SANDF (Gear, 2005a; Williams, 2005).

A starting point is to look at the time period that lapsed between the peace negotiations and subsequent unbanning of the African National Congress (ANC), and the actual beginning of the integration and demobilisation process. The peace negotiations began in the late 80s, and continued into the early 90s. The ANC was unbanned in 1990. Those combatants who were outside SA, in Angola, Namibia or Zimbabwe, could start returning home. One group that facilitated this process was the United Nations High Commissioner for Refugees (UNHCR). From 1991, the UNHCR funded a programme for the social reintegration, or "voluntary repatriation" (Dzinesa, 2007), of returnees to SA. These returnees were classified as "unarmed civilians", not combatants (UNHCR, 1991).

However, the official DDR process in SA was only officially begun five years later, in 1996. This was when Assembly Points (APs) were established, to house returnees. It was only

after the APs were set up, and once the 1996 *Demobilisation Act* came into force, that those returning were actually classified as “ex-combatants”, rather than as refugees. This means that all those who returned prior to the establishment of the APs were unlikely to have been included. This “informal” demobilisation meant that many ex-combatants were “lost” to the system (Williams, 2005).

Each group involved in the DDR had to create Certified Personnel Registers (CPRs), listing all the combatants in their group. This process faced many difficulties, and informal demobilisation was just one of them. Another major problem was how to verify the official ‘recruitment’ lists of ex-guerrilla forces. Many people had joined umKhonto weSizwe (MK) under assumed “struggle” names (Interview 1; Interview 6; Gear, 2005a; World Bank Report, 1996). It was difficult for these people to prove their involvement in the struggle, or even to prove which “struggle” name was theirs. Even for those who provided their real names, it was difficult to prove their involvement. MK did not necessarily keep registers of those who were joining their armed wings. This, according to some interviewees, also led to a number of people falsely claiming to have been involved in the struggle in order to get onto the CPRs, while others who actually had been involved were unable to prove their participation (Interview 1). In addition, some people who did submit their names were not included on the final lists (Gear, 2005b).

Another problem was that some of those from the NSFs were unwilling to provide their real names to CPRs, for fear of being tracked down by members of the SA Defence Force (SADF) after reintegration (Heideman, 2007). This was because of the “pervasive culture of uncertainty and suspicion” that was present at that time (Gear, 2005b). Many did not trust those who were orchestrating the integration, and therefore did not want to provide the SANDF with their details, for fear of repercussions.

A further issue regarding the CPRs was that, initially, those members of NSFs who had remained inside the country were not included in the official DDR process, and were therefore not permitted to be on the CPRs. This meant that some people who had spent many years fighting in the struggle, but who had remained within SA, were not allowed to be included at first. The policy was later changed to include these groups, but it meant that more people were lost to the system (Gear, 2005a ; Interview 12; Interview 13). Finally, some interviewees mentioned that the system of informing ex-combatants of the procedures for integration and

demobilisation was inadequate. Information was only made available to those living in the big cities, and those in rural areas were unable to access the information (PMG, *Briefing to Defence Portfolio Committee*, 2006; Interview 5).

A factor which excluded many people upfront was the official requirements for joining the SANDF. One such requirement was a high-school certificate (Interview 6). Many NSF fighters had left school before completing their final years of high school, in order to join the liberation forces (Everatt & Jennings, 2007; Interview 4; Interview 5). All those who had left school early were ineligible for integration into the SANDF. There was also an age limit on who could integrate. For men, the upper age was 60; for women it was 55 (Art 3(c) of *Military Veteran's Affairs Act*, 1999). The bottom limit was 18. Those who were too old or too young were not permitted to integrate (Interview 3), and were demobilised automatically. Some of the older ex-combatants had spent many years in a military group in exile, and therefore did not have experience in any other kind of life. For them to be automatically demobilised may well have been quite a blow (Interview 3).

On the other hand, the offer of integration for NSF members was perhaps in itself somewhat inappropriate. In 2006, a study conducted in Gauteng showed that 57% of NSF combatants joined an armed group in order to fight apartheid, not because they needed a job or were interested in military careers (Everatt & Jennings, 2007; Interview 8). Thus, once apartheid had been defeated, they may well have had little interest in a continued military career (Foster *et al.*, 2005). Although this was not the case for all ex-combatants, it seemingly applied to more than half the group.

A further factor was the difficulty in attempting to integrate forces that had, up until three years previously, been involved in conflict with one another. In the *Final Integration Report* (PMG, 2004a) it was acknowledged that attempting to integrate seven different armies, each with their own "culture, traditions and military histories into the SANDF...was a very complex process". And, once again, the pervasive culture of suspicion made an impact. As stated by Everatt and Jennings (2007: 21), "many ex-combatants were deeply suspicious of each other...and even a well-run process of demobilisation would have battled to reconcile competing and often antagonistic groups and interests". These groups had all been highly politicised, and had histories of mutual antagonism (Kynock, 1996: 455). Thus, "some soldiers view joining the SANDF like surrendering to the enemy" (Mashike, in Gear, 2005a: 61.)

Even once someone's name had been included in a CPR, and they had decided to join the SANDF, the process of integration was difficult. NSF members were required to undergo "bridging" training in order to be integrated into the SANDF (ISS Monograph 59, 2001). Those from the statutory forces (SADF and the old homeland armies) kept their old ranks (Heideman, 2007). For some of those coming from the NSF, the training courses continued for upwards of four years (Interview 3). These differences led to many believing that the statutory forces were being favoured, and this resulted in walk-outs from APs by those from NSFs (Interview 3; Stott, 2002). Because of this, many now argue that instead of a process of integration, MK forces were merely "absorbed" into the SANDF (Heideman, 2005; Stott, 2002).

Once "integrated" into the SANDF, the problems continued. The process was run almost entirely by the old SADF, and there are numerous reports of ill-treatment of non-statutory recruits. For example, the main medium of instruction was Afrikaans (Gear, 2005a), which was still considered the language of apartheid. There have also been continued reports of racism (Foster *et al.*, 2005; Liebenberg *et al.*, 2002). It has been suggested that the SADF simply did not want to integrate or to have NSF fighters integrated into it (Stott, 2002). A further question is whether or not NSF fighters would have wanted to be involved in the SANDF, from an ideological perspective. As was stated by one ex-MK combatant, "Before, we knew that structure was immoral, the whole world had said that it was immoral" (Interview 3). And, as one interviewee more bluntly asked, "How can you let the old, defeated, racist, fascist force run transformation and integration?" (Interview 10). In short, integration really was not a viable option for a large number of NSF ex-combatants (Foster *et al.*, 2005).

Of the ex-combatants I interviewed, only two had managed to integrate successfully into the SANDF. One had spent 10 years there, and one was still involved today. Of the other six interviewed, as well as four other ex-combatants that I met, but did not formally interview, one had been told he was too old and was demobilised immediately; one had joined the SANDF briefly, but been rationalised soon after; one had attempted to integrate, but had never received an answer from the SANDF; and seven had not made it onto the CPRs at all.

The one ex-combatant who is still in the SANDF described the integration process as "very bad", saying that those from the non-statutory forces were "treated like nothing" (Interview 10). The ex-combatant who had spent 10 years in the SANDF claimed that he had spent more than

four years doing training courses before he was considered fully integrated, and able to begin moving up through the ranks (Interview 3).

5.1.2 Demobilisation

Considering that the integration process was rather ineffectively planned and implemented, it is not surprising that so few ex-combatants chose to integrate. The other option facing them (provided that their names were on the CPRs) was that of demobilisation. Unfortunately, this process was not run much better. Liebenberg *et al.* (2002) state that, while the integration was fairly efficient, the demobilisation was “ineffective”. One interviewee put it more diplomatically, saying that the demobilisation process was “sub-optimum” (Interview 6). Everatt and Jennings (2007: 21) on the other hand say that the demobilisation was, “if not farcically incompetent, then terminally flawed”.

5.1.2.1 Service Corps

Some of the main criticism is leveled at the Service Corps (SC), the body that was set up in January 1995, and intended to aid ex-combatants in gaining much-needed job- and life-skills. It is generally agreed that an important aspect of any demobilisation process is giving ex-combatants the skills to be able to find employment after the cessation of fighting (Gear, 2005a ; Kingma, 2004; World Bank Report, 1996). However, the SC suffered from a number of the same problems as the integration process. Firstly, very few of those who were due to be demobilised actually attended the training (ISS Monograph 59, 2001). This was partly due to the fact that implementation of the SC took longer than anticipated. Many ex-combatants spent a long time simply waiting in APs (Interview 3; Interview 13), and little information was provided to them. They had expected to wait for only two or three days, and instead were made to wait for months (Interview 3). This led to a number of ex-combatants simply walking out of the APs (Motumi & McKenzie, 1998).

As with the integration process, a major problem was that the training was provided by old SADF members. This meant that those who did not want to join the SANDF because of mistrust of the old SADF, would also not want to be trained by them in job skills. As Mashike states (quoted in Gear, 2005a: 61), “going for training under their [SADF] command would be an insult”. The ability of SADF officers to do civilian job-skills training has also been questioned

(Dzinesa, 2006). As Gear (2005a: 61) puts it, the training was provided by the military who were “neither suitable nor equipped to provide skills required in non-military environments”. The process was also initially intended only to provide for those coming back from exile, meaning that all those who had remained in SA were not included. Later, the process was extended to include those who had remained in the country (Interview 13). Other problems that arose were similar to the ones found by those integrating into the SANDF. There were reports of racism and mis-treatment of NSF members by SADF officers during SC training (Gear, 2005b).

There were also initially very limited options available in the job-skills courses (Gear, 2005b; Heideman, 2005). The majority of the courses only provided training for blue-collar work – things like welding, construction, and brick-laying (Heideman, 2005). Thus, ex-combatants wishing to do things like IT or computer-training were disappointed. There was also bad communication from leadership about what courses would be available (Gear, 2005b). Many ex-combatants were told that there would be a wide range of skills on offer, but this was not the case. Another problem was that there was little research done into what job-skills were needed in the job-market. Many of the jobs that ex-combatants were being trained for were in low demand in SA (Heideman, 2005; Interview 12).

There was also initially no mechanism in place to help ex-combatants find employment after the training, for example, through job placement agreements with local companies or industries. More recently, the programme has been extended to include this step (Interview 13). The training programmes were also often shorter than advertised, so that an 18-month course would sometimes result in only three months of actual training (Interview 3).

A final issue is that the SC does not provide any psychological counselling for ex-combatants (Interview 13). Initially, there were two weeks of voluntary counselling, but very few made use of this. Now, the SC only provides career counselling. This is surprising when one considers that many ex-combatants are suffering from trauma-related psychological problems (Gear, 2005a). One study found that up to 13% of respondents could be suffering from post-traumatic stress disorder (PTSD) (Everatt & Jennings, 2007). An older study (Cock, cited in Gear, 2005a) found that 72% of the ex-combatants studied were suffering from depression, but that only 11% had received any form of psychological counselling or assistance. Thus, it would seem that trauma counselling would be essential when dealing with this group.

Many of these problems were not necessarily the fault of the SC itself. The management by government left much to be desired, and the SC was left to bear the brunt of this. Funding for the SC was cut in 1997 (Interview 13), only two years after its inception. Since then, the SC has had to find funding from other sources. Another problem is that the SC remained under the supervision of the Department of Defence, rather than being moved to a department that could facilitate and provide job-skills training more effectively. eg. the Department of Labour, or the Department of Social Services (Interview 12; Interview 14). It could also be argued that the SC only has a limited ongoing applicability. It was initially established to help returning ex-combatants find employment. Since very few ex-combatants are still returning to SA, perhaps the SC has run its course.

5.1.2.2 Demobilisation gratuities

The demobilisation gratuities were based on the number of years the ex-combatants had spent in the armed forces. Initially, the pay-outs were given in cash, as a once-off payment.

Table 1

	Year Joined	Gratuity paid out
	1961 – 1972	R 42 058
	1973 – 1976	R 34 313
	1977 – 1982	R 28 721
	1983 – 1989	R 20 201
	1990 – 1994	R 12 734

(Schedule 1, *Demobilisation Act*, 1996)

Only those whose names were on a CPR were eligible to receive these gratuities (Part III, s5(1)(a) of *Demobilisation Act*, 1996). The act also provided the possibility of a dependant applying on behalf of someone who had been killed while in the service of an NSF. By 2004, it was declared that 9809 ex-combatants had received their gratuities, and 677 payments had been made to the dependants of former combatants (PMG, *Final Integration Report*, 2004a).

The pay-out process has been slow-moving. Of the eight ex-MK combatants that I spoke to, two had remained within the SANDF, and were therefore ineligible for the gratuity; four have still not received any pay-out from this process. Similar findings have been made in other studies (Gear, 2005a; Gear, 2005b). Some reports have found that the gratuity was too small, and was not really helpful in assisting ex-combatants to reintegrate (Williams, 2005). This was echoed by some ex-combatants, who complained that the gratuity was not large enough to assist them in beginning their civilian life (Interview 3). It was not enough to help them to start their own business; nor could they live off it for very long while attempting to find employment.

A related problem, which also involves the SC, was that many ex-combatants had inadequate money management skills. Those who were returning from exile would most likely have spent many years being totally dependant on their armed force. They would have been provided with money, food, clothing and shelter. Thus, money management was not really a requirement (Dzinesa, 2006). However, when returning to civilian life in SA, and after the pay-out of a lump-sum gratuity, the issue of money management would have suddenly become very relevant. According to the World Bank Report (1996: 63), “many ex-combatants could have benefited from financial counselling”. The SC did not provide any money management training, and this resulted in some ex-combatants spending their entire gratuity within a few weeks, or even days (Interview 13). The system has more recently been changed, so that the gratuities are paid in installments into bank accounts for the ex-combatants.

Provision was also made for a Special Pension for any ex-combatant who had “made sacrifices or served the public interest in establishing a non-racial, democratic constitutional order” (*Special Pensions Act*, 1996, Part I, s1(1)), and who was 35 years or older at the date of commencement of the Act, in 1996. This would be a monthly pension, which would begin when the ex-combatant reached the age of 60 years. If the ex-combatant had been disabled, they would be eligible for a monthly pension from the date of commencement of the Act.

Of the ex-combatants I spoke to, not one had begun receiving their pension, despite the fact that a number had already reached the age of 60, and that more than one of them suffered from a disability. It was confirmed that payout problems for pensions were still being experienced in a 2006 *Briefing to the Portfolio Committee of Defence* (PMG, 2004a).

5.2 Experiences in other Southern African countries

According to Motumi and McKenzie (1998), SA failed to learn lessons from demobilisation processes in other developing countries, and has in fact repeated some of the mistakes made. When SA began its DDR process in 1996, a number of other Southern African countries had either begun, or already finished, DDR programmes. By 1996, Zimbabwe and Namibia had completed their DDR. Angola, Mozambique, Uganda and Chad were still implementing theirs. Although the literature on these programmes was not extensive at the time, there was already at least one study of Southern African demobilisation processes by 1996 (World Bank Report, 1996). Much of the information in this section will be based on that report.

South Africa could have avoided numerous problems if it had taken note of the mistakes of the Zimbabwean DDR programme. Zimbabwe had a similar situation facing them when they began their reintegration – an attempt to integrate numerous, previously opposing groups into a single unified defence force; a defence force still run by the old white army; and two opposing liberation groups, only one of whom had come into government power (Zimbabwe African National Union – ZANU). Zimbabwe also had APs set up for returning ex-combatants. However, the APs were under the control of the old Rhodesian army (the previous white government forces), and many liberation fighters distrusted the situation. They were worried that, if they all congregated at APs, the Rhodesian army would just bomb the camps, and wipe out large numbers of rebel fighters (World Bank Report, 1996). There were also long waits involved at the APs, which meant that many ex-combatants simply left, and underwent a form of informal demobilisation. This is similar to both the long waits experienced in the South African APs, and to the problems faced when trying to convince NSF members to integrate into an army run by their old enemies.

Zimbabwe and Chad also both had problems in the drawing up of CPRs. As was the case in SA, many fighters in the Zimbabwean liberation groups had been operating under “struggle names”. In Chad, there were numerous reports of fraud in the CPR process – many people supposedly claimed to have been combatants in order to access the benefits of the DDR processes. This was also mentioned as a problem in the SA case. Also in Zimbabwe, many ex-combatants did not become involved in the job-skills training programme, as there was little interest in the skills that were being provided. According to the World Bank Report (1996), an important step in any DDR programme is surveying all the combatants prior to their

demobilisation, while they are in the APs. This survey would establish the numbers of combatants involved, their socio-economic profile, and what jobs skills they are hoping for. This involvement of combatants at the start of the process could lead to their being more likely to take part in the later stages. This was a step that SA did not include early on in the process, and may have contributed to the low numbers becoming involved in the SC programmes.

Namibia was initially considered to have fared better by the World Bank Report. This was because their demobilisation was planned before the end of the conflict and subsequent elections. Thus, by the time the conflict ended, and the combatants needed to be demobilised, the programme was already in place. Pre-planning is considered to be a critical step in any DDR process (Motumi & McKenzie, 1998). However, Namibia fell short in the reintegration phase, seemingly hoping that ex-combatants would “spontaneously” reintegrate themselves. This did not occur and, in 1998 (eight years after the end of demobilisation), ex-combatants launched protest marches and sit-ins, demanding jobs and pensions. Thus, the effects of a bad demobilisation programme can take years to materialise (Gear, 2005a).

The issue of cash compensation has also arisen in a number of the DDR programmes. There is a choice between up-front, lump-sum payments; or a monthly allowance, paid out over a longer period of time. Lump-sum payments are often seen as a token recognition from government of the sacrifices made by ex-combatants (World Bank Report, 1996: 60), and can be favoured as they provide immediate compensation. However, ex-combatants in a number of the cases have not had much success in managing or investing the money, which was also occurred in SA.

In Zimbabwe, ex-combatants were initially paid a small lump-sum, but this was substantially increased later on. The second gratuities were the equivalent of 78% of the Gross National Product (GNP) per capita of Zimbabwe at the time (World Bank Report, 1996). Despite the pay-out of a large lump-sum, many ex-combatants soon returned to the APs out of financial need. Also, the pay-outs led to a financial crisis in Zimbabwe, as the government could not really afford to pay ex-combatants that much. Thus, there can be many problems related to once-off, lump-sum payments. In SA, although ex-combatants did not return to the APs in large numbers, there were many who were unable to invest or manage the money, and it therefore ran out fairly quickly (Interview 13).

The South African DDR process was fraught with problems. Many of these could have been avoided if SA had learnt from the mistakes of the neighbouring African countries that had already gone through these programmes. The design of the SA programme left much to be desired, and this has resulted in long-term difficulties for many ex-combatants.

6 HOW THE PROCESS HAS LED TO RIGHTS FAILINGS

Disarmament, demobilisation and reintegration (DDR) programmes are difficult in any context. The South African (SA) process had added problems because of the heterogeneity of the group that was being dealt with (ideologically, racially, experientially etc). It is therefore difficult to know whether SA is an example of an ineffective DDR process, or whether it is just the norm for DDR programmes to have multiple problems. My respondents also had divided views. Some believed it was a good programme which was just badly implemented (Interview 14). Others believed the design itself had fundamental flaws, and was poorly implemented on top of it (Interview 6; 8; 12; 15). Still others believed it was not really an ineffective example at all, but rather just a difficult process that SA handled as well as it could (Interview 9).

In this chapter, I will be arguing that the process itself was badly-designed, as well as implemented. I will look at how the DDR resulted in social exclusion for many ex-combatants, and at the specific rights that they are being excluded from accessing.

6.1 Implementation

In this section, I will be showing how, when planning the process, the organisers seemed to take little account of who was to be involved, or of what the eventual outcome would be. I will look first at the problems of the integration process, then at the processes of demobilisation and reintegration. Many of these problems have been discussed in previous chapters. In this section, I will only be focusing on those that had the greatest impact, and that led to a denial of access to rights to mainly non-statutory force (NSF) ex-combatants.

6.1.1 Integration

One of the first major factors is that so many people “slipped through the cracks” and missed out on the entire DDR process. The three to four years of peace negotiations, where fighting had ended and combatants were returning as refugees, resulted in a process of “informal demobilisation”. As there were no facilities to receive them, many people simply bypassed the system altogether. It is still unknown how many people returned from combat, but never went through any formal demobilisation procedure. The World Bank Report (1996) states that DDR

programmes require early coordination between the various actors, and advanced planning on all stages; the lack of early planning in the SA process led to many people being excluded. The fact that internal combatants were also initially excluded meant that many of them did not take part in the DDR processes at all. Again, it is not known how many people this accounts for, but it may well be a large number. According to some, these internal ex-combatants are something of a “lost generation” in SA (Interview 12).

The next major fault with the integration process was that the designers seemed to have little awareness of who they were working with. There were seven official groups to be handled: the SA Defence Force (SADF), the four old homeland armies, umKhonto weSizwe (MK), and the Azanian People’s Liberation Army (APLA). These were groups who had spent many years in combat with one another, and whose leaders were vying for power in the country at the time. The entire integration process was then handed over to “the old defeated, racist, fascist force” (Interview 10), and they were told to “integrate” their former enemies. It is not clear exactly how or why the new government thought that this would be effective. The result was roughly what one would have expected – a combination of racism, mistreatment and distrust.

There are numerous reports of disrespect for cultural differences (Gear, 2005a: 59; Motumi & McKenzie, 1998: 197), issues around the language of instruction (predominantly Afrikaans), and racial abuse or attacks (Foster *et al.*, 2005; Liebenberg *et al.*, 2002). The distrust also led to serious difficulties in compiling comprehensive Certified Personnel Registers (CPRs). Because many NSF ex-combatants did not trust the SADF with their details, and did not want to be in an army under SADF command, a large number were once again effectively excluded from the integration process. There was also the problem of how appropriate it was to even offer NSF fighters a place in the SANDF. If large numbers of NSF members joined an armed group mainly to fight against apartheid, and not to be a member of an armed group (Everatt & Jennings, 2007), then offering them a career in the military is perhaps not particularly helpful. Also, the fact that those in the NSFs had spent many years fighting against the white SADF could mean that they would not then want to integrate into it, for ideological reasons.

The entrance requirements for the SANDF would also only have excluded NSF members; for example, the requirement of a high-school certificate. The bridging courses could also have deterred many from integrating into the SANDF. Their training outside of SA seemed to count for very little, even if they had been in an armed group for many years (Gear, 2005a; Interview

3). It could have been anticipated that few NSF fighters would want to join a group that had so little respect for their skills.

Thus the integration stage seems almost to have been designed to exclude NSF members, despite the stated aims of the process.

6.1.2 Demobilisation:

The demobilisation process was also not very effective at assisting ex-combatants. The same problems around CPRs existed as for the integration process. Many were using assumed names; many did not want to place their names on the list because of mis-trust; some expected their names to be placed on lists but this did not happen (Gear, 2005a). Once again, this process seemed mainly to be problematic for those coming from NSF, as the statutory forces had kept more complete official records of their members.

The Service Corps (SC) also had problems which mainly affected those from the NSF. As mentioned before, one of the first problems was that the training was run by old SADF officers. This would only have deterred NSF members, as they would have been unwilling to be trained by their old adversaries. The fact that initially the majority of the SC training was for blue-collar work also had an unfortunate link with SA's past: Prior to the abolishment of apartheid, non-white South Africans were educated under a different schooling system than white South Africans. This system was known as "Bantu education", and was essentially training non-white people to be manual labourers. For the SC to then only offer job training that prepared ex-combatants for similar types of jobs must have seemed somewhat insulting. Again, this is something that would have been more of an issue for NSF fighters, the majority of whom would have been black or coloured.

The support provided by the SC, as the main body for assisting in the demobilisation and reintegration of ex-combatants, was also not very effective. The fact that no psychological counselling was provided is a fairly major shortcoming, and one that was mentioned by the majority of interviewees (Interviews 4; 5; 7; 8; 9; 11; 15). This is also mentioned as one of the major factors which would need to be addressed in the future, if any intervention on behalf of ex-combatants was to take place. A fairly large number of ex-combatants are reported to be suffering from some form of trauma-induced psychological problems (Cock cited in Gear,

2005a; Everatt & Jennings, 2007). This can severely impact on their day-to-day functioning. However, the initial two-week counselling available through the SC was not compulsory, and is now no longer available. This lack of counselling could have a serious impact on the ex-combatants' ability to find long-term or stable employment (World Bank Report, 1996).

As mentioned in the previous section, the lack of money management training was also problematic. Because the programme was initially designed for returning ex-combatants, it is interesting that the designers did not take into account the fact that the majority of these ex-combatants had been living and fighting in the bush for a number of years, and had little experience in money management. Once again, this is an issue that would have been most likely to impact upon NSF members – those for whom the programme had been designed.

The demobilisation gratuities would have made this short-coming more apparent. At first, the gratuities were paid out in cash to ex-combatants as they left the SC training, or the APs. For some people, the sum was upwards of R40 000. One interviewee had numerous stories of ex-combatants running out of money within a few weeks, or even days (Interview 13), and the lack of money management training would have contributed to this. There was also very little advice given on how to bank or invest the money. This has been mentioned as a major problem for a number of ex-combatants in numerous countries (World Bank Report, 1996). Lastly, there was no help in using the money to start up businesses, or purchase land. If ex-combatants ran out of money, there would be added pressure on them to find work quickly.

Initially, the SC also did not provide any schooling. There was therefore no way for ex-combatants who had not completed their high school to do so. And, once again, only NSF members would have required this. The job training may have given them job skills, but many employers would also have been looking for completed schooling. The SC now does provide Adult Basic Education and Training (ABET). However, considering that the majority of returning ex-combatants have already passed through the SC, perhaps it is a bit late.

6.2 Social exclusion

Social exclusion issues have arisen more in relation to the demobilisation and reintegration process than to the integration into the SANDF. However, as mentioned above, the design, planning and implementation of the integration process meant that many ex-combatants were

not willing to participate in it. The only real available options were demobilisation and reintegration. Thus, the integration stage also contributed to the social exclusion.

What should be kept in mind is that social exclusion relates to being shut out from “any or all of several systems” in society (Commins, 2004: 68). In this situation, ex-combatants are facing exclusion from more than one system. Firstly, the lack of available schooling mentioned means that many ex-combatants were unable to complete their education. The gratuities that were provided also made it difficult for ex-combatants to attempt to access schooling of their own accord. Because the gratuity was a once-off, and relatively small (Gear, 2005b), ex-combatants would not have been able to use it to pay school fees, or to live off of it while they tried to complete schooling. This means that they would have had to attempt to find employment almost immediately, leaving no time to increase their skills. Ex-combatants consequently did not really have the option of returning to school, and the lack of choice is an important aspect of their exclusion (Ljungman, 2004).

There are numerous factors which resulted in the exclusion of ex-combatants from the job market which, according to Aasland and Fløtten, is probably the “single most important indicator of social exclusion” (2001: 1030). When it came to the job skills training, a major problem was that there was little research done, either on what skills ex-combatants wanted to acquire; or what skills were needed in the job market at the time. Thus, a large number of ex-combatants were taught job skills that they did not necessarily want, or that were not in demand in SA. Both of these facts would have contributed to ex-combatants battling to find work.

This would have been compounded by the fact that ex-combatants often battle to find jobs in already-saturated job-markets (World Bank Report, 1996), and SA is no exception. In SA, the unemployment rate is above 40% nationally (Everatt & Jennings, 2007; Interview 3), and the competition for jobs is high. In the ex-combatant group in 2003, unemployment was at roughly 66% (Dzinesa, 2007; Mashike & Mokalobe, 2003). In a recent survey in the Gauteng region, this figure had risen to 70% (Everatt & Jennings, 2007). It therefore seems that ex-combatants are being excluded from the job market both in absolute terms, and relative to other groups in the population. The small gratuities would once again have meant that the ex-combatants would not have been able to take time off working to increase their job skills on their own. They could only really have attempted on-the-job training, assuming that they were able to find work at all.

Another issue that would have contributed to ex-combatants' inability to find employment was the lack of psychological counselling. A number of ex-combatants suffered from quite severe psychological problems, arising from trauma experienced while in combat. One of my interviewees had been tortured while in detention in SA, and had subsequently been diagnosed with PTSD (Interview 4). This resulted in memory black-outs and severe mood swings. He had become estranged from his family as a result of his mood swings, and was unable to hold employment because of his memory losses. These psychological problems would have made it even more difficult for him and other ex-combatants to find and keep work, and to maintain good family relations. The small gratuities would also have meant that few ex-combatants would have been able to pay for counselling by themselves.

Ex-combatants are therefore being excluded from a number of different systems, as a result of a number of different factors. This shows both the dynamic and the relative nature of their exclusion. Their exclusion from the labour market has led to other potential consequences, including impacts on their masculinities, and increasing the possibility of their turning to crime. These consequences will be dealt with in more detail in the next chapter.

6.3 Lack of access to socio-economic rights

The lack of access to rights arises mainly from the processes of social exclusion outlined above. The ex-combatants' right to work is being denied by a number of overlapping processes, which have resulted in many of ex-combatants being excluded from the job market. Thus, the right to work (art 6 in the *International Covenant on Economic, Social and Cultural Rights*, ICESCR, 1966; art 23 in the *Universal Declaration on Human Rights*, UDHR, 1948) is being denied.

The right to education (Bill of Rights, 1996, s29; ICESCR, 1966, art 13; UDHR, 1948, art 26) is also being denied to a large number of ex-combatants. Although government is not specifically required to pay for ex-combatants to get schooling, they are required to establish a situation that is conducive to ex-combatants being able to access schooling. As stated in *Minister of Health v Treatment Action Campaign* (2002), the state is required to take reasonable steps towards the progressive realisation of socio-economic rights, and this includes the right to schooling. However, as outlined above, many ex-combatants are not able to access this right at all.

If one is not able to find employment and cannot earn an income, a number of other rights also cannot be realised. These include the rights to health, and to an adequate standard of living (art 25 in UDHR, 1948; art 11 and 12 in ICESCR, 1966; s27 in BOR). Once again, although government is not required to provide free education, housing, food and clothing to ex-combatants, they are obliged to at least provide realistic opportunities to access these entitlements (Ljungman, 2004: 4). If someone is not able to find work, because of processes which government implemented, then they will not be able to access good healthcare, or a decent standard of living. This is once again infringing on the ex-combatants' ability to enjoy the rights that they are owed.

I will look at the test relating to reasonableness in chapter 8, when discussing how government can attempt to address the situation.

While there is no legislation or physical force stopping ex-combatants from obtaining their rights, they are nonetheless being denied full access to them in a number of ways. The policy that government established has resulted in many ex-combatants being excluded from the job market, and this led to exclusion from a number of other rights as well. It is ironic that these were processes that were intended to help ex-combatants to gain access to all of these rights.

7 OTHER RELEVANT ISSUES

As mentioned in chapter 3, when discussing the demobilisation of ex-combatants, there are a number of other relevant issues which also need to be looked at. I will briefly reiterate them here, focusing on their applicability to this paper.

7.1 Crime

The first issue is that of the criminality of ex-combatants. This was mentioned in almost all my interviews and the literature. In South Africa (SA) this is currently considered to be a major issue, with a number of people mentioning it as a potential consequence of the disarmament, demobilisation and reintegration (DDR) programme (eg. Everatt & Jennings, 2007; Williams, 2005). Some writers are more positive about these prospects, calling the issues around criminality simply “rumours” (ISS Monograph 59, 2001), or a “possibility” (Liebenberg *et al.*, 2002). However, the general opinion is not optimistic.

When interviewing ex-combatants, almost every single one mentioned the fact that crime was being carried out by their fellow ex-combatants (Interviews 1; 4; 5; 7; 10). This was despite the fact that I did not specifically ask them any questions about criminality. All mentioned knowing of at least one criminal act that had been carried out by ex-combatants. Many also mentioned that, even if they did not personally know anybody who had committed these crimes, they knew that they had been perpetrated by ex-combatants because of the militaristic way in which they were carried out (Interview 1).

In the SA context, there is also mention made of the fact that, during the struggle, crime may have been a way of funding the operations of armed groups. Previously combatants may have been committing crime to make money to fund the struggle (Interview 9). They may also have used this as a “cover” (Interview 11), stealing and selling goods to fund themselves, but claiming it as being for the struggle. This is known as crime under the “comrade pretext” (Gear, 2005a; 2005b).

Some mentioned the fact that crime can seem to be the only available option for ex-combatants (Interview 4; Liebenberg *et al.*, 2002). In other words, the inability to find a job

would contribute to their turning to crime. However, others stated that, in some instances, crime was actually just an easier, rather than the only available, option (Interview 1; 10; 14). Crime is seen as a way of making easy or quick money. It was therefore much easier to make money from crime than from lawful employment. It was not necessarily because of a lack of other employment options.

The issue of the criminality of ex-combatants has received wide-spread attention in SA in recent times, and this was reinforced throughout all my interviews.

7.2 Masculinities

As mentioned in chapter 3, the issue around “toughness” in masculinity is very salient in SA and this, combined with a desire for financial success, relates heavily to the issue of the criminality of ex-combatants. The militarised masculinity that was outlined above can also have a role in this, enforcing the need for ex-combatants to seem “tough”. This can then also play a part in ex-combatants’ willingness to become involved in counselling. For them, needing counselling would imply “weakness”, and not being able to deal with issues alone (Interview 11). It is also thought to imply woman-ness, or femininity. The implication is that only women go for counselling. Thus, very few ex-combatants would probably be willing to access counselling of their own accord.

During my own interviews, the issue of masculinity was not often mentioned, and I can therefore only rely on the research done by others. However, it does seem to be a significant factor, and is worth mentioning in any discussion of ex-combatants.

7.3 Identity as freedom fighters

An aspect which was mentioned fairly often in my interviews was the pressure which was generated by the ex-combatants’ identity as umKhonto weSizwe (MK) “freedom fighters”. This does not relate to their legal status as ex-combatants, but rather to their perceived status within their communities. The idea of returning ex-combatants as “heroes”, who would be able to support those around them was very powerful (Cock, cited in Gear, 2005a; Mashike & Mokalobe, 2003). However, many ex-combatants came back with no money and no job skills,

meaning they were unable to support even themselves, let alone their families. As one respondent put it, “They look at us, coming now from struggle, you are supposed to be...a hero...[and] you come back just empty-handed” (Interview 3). The reality was that large numbers of ex-combatants had to live off their families (Everatt & Jennings, 2007), becoming a financial drain, rather than a breadwinner.

This led to some embarrassment and humiliation for these ex-combatants (Interview 11; Interview 15). It was a double embarrassment: that of not being able to provide for their families; but also the embarrassment of having been abandoned by the party that they had fought to put in power. Many people began questioning why the ex-combatants remained loyal to the African National Congress (ANC), considering how the ANC had treated them. This has made it incredibly difficult for many ex-combatants to remain positive or hopeful about their future prospects (Interview 1). The abandonment by party leaders also added to the embarrassment, and made the situation that much harder to deal with (Interview 15).

7.4 Lack of recognition

This lack of recognition was also mentioned as a very disheartening factor for ex-combatants (Interview 3), and has led to feelings of disillusionment and betrayal for many of them (Everatt & Jennings, 2007; Gear, 2005b). According to a National Peace Accord Trust survey (Seiler, 2006) on the wants and needs of ex-combatants, a large number stated that they simply wanted some form of acknowledgement of their status as a group that played a role in the “democratisation of South Africa” (*Military Veterans Affairs Act*, 1999).

There is also a growing sense that ex-combatants were used by government in order to get into power, but have now been abandoned because their usefulness has reached an end (Gear, 2005b; Interview 12). This is despite the fact that many believe ex-combatants are owed a “debt of gratitude” in SA, because of the “hardships they endured during the conflict and on returning to the country; their particularly vulnerable status in civil society; and as a gesture of reconciliation” (Cock, cited in Gear, 2005a: 44). Even though many ex-combatants remain loyal to their party, it seems that this loyalty has been abused by the party leadership, and could well start to wear thin (Interview 8).

7.5 Threat of re-mobilisation

This lack of recognition also ties in with the last issue – that of the re-mobilisation of ex-combatants in an attempt to access their rights. One need only look as far as SA's neighbour, Zimbabwe, to see the possible outcome of ex-combatants re-mobilising and putting pressure on government. I have already outlined some of the shortcomings of the Zimbabwean DDR process which contributed to their eventual mobilisation, and to their being "gifted" farms as a way of pacifying them (Dzinesa, 2007).

Thus far, ex-combatants in SA have not attempted to re-mobilise to any great degree. However, there are differing opinions about the potential danger for the future. According to some, the threat is large. One interviewee declared that you "ignore ex-combatants at your peril" (Interview 8). Others believe that the threat is not very likely to materialise. According to one respondent, Zimbabwe is used as something of a "bogey" in SA, as a way of scaring government into addressing the needs of ex-combatants (Interview 14). Others believed that, despite the numerous problems facing ex-combatants in SA, the weak veterans' associations mean that re-mobilisation is unlikely, as ex-combatants have no one to lead them (Interview 9; Interview 12). However, if the veterans' associations were to begin functioning in a leadership capacity, then re-mobilisation would be more likely. At a psychological level, ex-combatants are perhaps waiting for a leader to "rescue" them, or to lead them in re-mobilising (Interview 15). Without this, they are unlikely to re-mobilise of their own accord.

Mention was also made in some of the literature about a sense of entitlement from ex-combatants – they are waiting to be provided for, as they believe that they deserve this (Gear, 2005b). Another explanation is that ex-combatants are a very dependent group – they have always been provided for, and are therefore still expecting this to happen (Abrahams, 2005; Mashike & Mokalobe, 2003). And, as mentioned above, their loyalty to their old party could also play a part (Interview 8).

It does seem that ex-combatants are currently unlikely to re-mobilise, despite having ample reason to do so. Whether this is because they retain party loyalty, or because they are waiting to be led is difficult to establish. However, it would be optimistic to think that this group will remain passive indefinitely. As can be seen in the cases of both Namibia and Zimbabwe, the effects of an inadequate demobilisation programme can take many years to materialise (Gear, 2005a;

World Bank Report, 1996). And the fact that SA did not learn from the mistakes of Zimbabwe (Interview 12) means that they could ultimately face a similar situation. According to Dzinesa (2006: 8) “the governments that had failed to properly reintegrate ex-combatants later found themselves with a price to pay, as restive ex-fighters threatened national stability”. The potential future threat should therefore not be ignored.

8 ADDRESSING THE SITUATION

In this last section, I will briefly look at how government could attempt to address the situation currently facing ex-combatants. This will include aspects relating to the possibility of continued targeted programmes for ex-combatants; and the reasonableness test that was laid out in the South African (SA) case law on socio-economic rights.

8.1 Who to include?

A first, purely practical issue would be deciding who to include in any further processes. There were numerous problems involved in drawing up the initial Certified Personnel Registers (CPRs), as outlined in previous sections. If government decided to use the CPRs from the first round of reintegration, then it would once again exclude all those who were excluded the first time. However, if the decision was taken to draw up new lists, many ex-combatants would still face the same problems: how to “prove” their involvement in a liberation group, or to prove their “struggle name”. If there are ex-combatants who have died since the first DDR, it would be even more difficult for their family or dependants to prove their involvement in the struggle, in order to access their benefits.

8.2 Targeted versus non-targeted programmes

Another question would be whether to continue with targeted programmes, or to begin non-targeted, community-wide projects instead. Some of the issues relating to this were already mentioned in chapter 3, as well as the factors to be considered when making the decision: 1) whether ex-combatants are a special needs population; 2) whether their return to productive non-military activity is more important for the security of the country than that of other groups; 3) whether targeted programmes are effective (World Bank Report, 1996: 51). In SA, ex-combatants are clearly a special needs population. Their lack of access to numerous rights has led to them being marginalised at many levels, as have their “disrupted education, their limited experience in civil society, and their lack of marketable skills” (Gear, 2005a: 47). Nevertheless, I would argue that they are not the only special needs population. With a national unemployment rate of over 40% (Everatt & Jennings, 2007), there are many people in the country who are being denied access to their rights. This makes it difficult to argue that ex-

combatants still deserve continued preferential treatment at the expense of others who are also marginalised.

Regarding the threat to security posed by ex-combatants, one would have to look at both the threats of criminality and of mobilisation. Thus far, ex-combatants have not re-mobilised to any great extent. Although there is a possibility that they will, it is difficult to know how imminent this threat is, especially without an effective leadership structure. In terms of criminality, it is somewhat disheartening to realise that ex-combatants probably do not pose much more of a threat than many other South Africans. SA has a notoriously high crime rate, with some of the highest murder and rape rates in the world. In 2006/7, over 19 000 people were murdered in the country; and more than 52 000 were raped (*Crime Statistics 2006/7*). Try as they might, ex-combatants could not really add significantly to these crime figures.

Finally, the targeted programmes implemented by government thus far have not really been effective. Despite efforts to integrate ex-combatants into the SANDF, demobilise, and then reintegrate them, many remain marginalised and unable to provide for themselves or for their families. The policies which were specifically designed to target and assist ex-combatants have failed in their intentions, and have therefore proven to be ineffective in SA.

8.3 Reasonableness test

The next step is to apply the reasonableness test, as formulated in the SA case law on socio-economic rights. Are a significant number of individuals being deprived of essential socio-economic rights (Committee on Economic, Social and Cultural Rights, General Comment 3, 1990)? And was the policy, in both content and implementation, “adequate to facilitate the progressive realisation of the right within prevailing resource constraints, [and] comprehensive, coherent, balanced and flexible” (Pieterse, 2004: 802)?

As shown in chapter 6, the DDR programme led to many ex-combatants being denied a number of their socio-economic rights. It is difficult to know the exact figures involved. However, I would argue that if one included all the ex-combatants and their dependants who are currently facing rights deprivations as a result, as well as those who were “informally demobilised” and were not involved in the DDR process at all, it would equal a “significant number”.

When looking at the reasonableness standard, it seems that the policy for addressing ex-combatants was inadequate to facilitate progressive realisation of their rights. The policy was not really comprehensive or coherent, in either content or implementation. As shown in chapter 5, the design and implementation of the DDR were poorly-planned and executed. The programme was not very flexible, in that it did not adjust to deal with many of the complaints that were made. Also, it ended abruptly, and many people were unable to access the promised benefits. The fact that many people were excluded from the programme altogether adds to this. Finally, the abrupt ending of the process would seem to act against the concept of a progressive realisation of the rights involved. Therefore, I would argue that the DDR policy as planned and implemented by government led to a rights failing for many ex-combatants, rather than assisting them in reintegrating as was hoped.

9 CONCLUSION

As has been shown throughout this paper, ex-combatants in South Africa are facing numerous difficulties. They are being denied access to a number of their rights, including work, education, an adequate standard of living, and healthcare. These are rights which are protected in numerous international human rights documents, as well as the South African *Constitution*.

Ex-combatants often have difficulties in reintegrating into civilian life, and disarmament, demobilisation and reintegration (DDR) programmes do not always provide as much assistance as was intended. This can be seen from both the example of South Africa, and of other Southern African countries that have attempted these programmes. South Africa did not take heed of the lessons from these countries, and consequently, many of the problems currently facing ex-combatants seem to be a result, either directly or indirectly, of the DDR process which took place. The numerous bureaucratic, technical, design and implementation difficulties meant that the process entirely excluded some ex-combatants, or fell far short of the expectations and needs of those that did participate.

This paper has shown some of the overlapping ways in which ex-combatants are being excluded within South Africa. The question then remains: what should government do with this marginalised group?

There are other factors that need to be taken into account when discussing possible options. These include issues around ex-combatants' masculinity; identity as freedom fighters; and the threats they pose of criminality or mobilisation. One also needs to look at the possible difficulties government would face in attempting to address the issues, including practical problems in drawing up new CPRs, and possible community backlash arising from the continued preferential treatment being given to ex-combatants.

Clearly something needs to be done about ex-combatants. They are not, and should not be, a group that can remain marginalised. The fact that they have been denied access to a number of their socio-economic rights reinforces this. However, I would argue that ex-combatants cannot continue receiving preferential treatment at the expense of other marginalised groups in the country. There are many people in South Africa facing as dire circumstances as ex-combatants.

And, despite the sacrifices made by ex-combatants in the fight against apartheid, one cannot ignore all the other groups forever.

I would also argue that it would be more beneficial for ex-combatants' reintegration if the programmes were non-targeted and community-wide, rather than targeted specifically at ex-combatants. Many of the needs of ex-combatants could be addressed in wider programmes that are implemented in the areas that they are living, and this would have the added benefit of broader community buy-in. Ex-combatants should be kept in mind when planning these initiatives, and they should not be excluded further than they already have been. However, they cannot continue to be favoured at the expense of the rest of the population. Thus, as stated by Kingma (cited in Gear, 2005a: 55), during the reintegration phase, support should be "increasingly community-based and part of general post-conflict rehabilitation efforts".

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