

Dealing with the past: The role of the youth in promoting transitional justice in Southern Africa

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Introduction

Since time immemorial, young people have been at the centre of historic transformation processes, including the armed struggle in Southern Africa. Many of the leaders in Southern Africa were young when they joined politics. In South Africa, youth activism has been credited as being the 'backbone' of the anti-apartheid struggle.¹ At the age of 22, one of South Africa's most celebrated young people, Solomon Mahlangu, laid down his life to pursue freedom. His political consciousness has inspired thousands of young people across the world. Many of his generation are credited with amplifying the struggle against apartheid as thousands of school children stood up against white domination. The 1976 Soweto uprising has become a symbol of youth resistance to oppression. Later in history, young people would lead the Arab Spring in 2010, the Rhodes Must Fall movement in 2015, and the Black Lives Matter movement that originally started in 2013 but has become more popular recently sparked by the police murder of George Floyd in the United States in May 2020. The 2020 Mo Ibrahim report refers to young people as 'Africa's greatest asset'.² Schwartz (2010) said youth constitute a reservoir of energy in conflict and post-conflict situations³ and asserted that the youth can play either negative or positive roles in post-conflict societies, but specifically emphasised young people's

positive contributions as community leaders, with their ability to raise a 'coordinated political voice... through spontaneous motivation'.⁴

This legacy of young people leading transformations provides a solid foundation for young people to lead transitional justice (TJ) in Southern Africa.

With a median age of 19.7 in 2020, Africa's population is already the youngest in the world.⁵ Between now and 2100, Africa's youth is expected to grow by 181.4%, while Europe's will shrink by -21.4% and Asia's by -27.7%. By 2100, Africa's youth will be equivalent to twice Europe's entire population and almost one-half of the world's youth will be from Africa.⁶ However, in this youth bulge, Southern Africa will experience the lowest population growth on the continent. The Southern African population is expected to increase to nearly 261 million in 2050 and 435.5 million in 2100.⁷ This is still a big number. TJ processes, by their nature, are future-oriented, hence the most important actors in that process are young people who, if not harnessed, possess a great potential to cause instability. However, if equipped with knowledge and skills, these young people become the continent's resource for peace and development. Promoting youth participation and agency is key to harnessing this peace potential and advancing TJ.

This policy brief outlines the key points of reflection on the role of young people in TJ. It begins by highlighting key aspects of the African Union Transitional Justice Policy (AUTJP), then goes on to locate young people within the AUTJP. The brief identifies the key roles that young people can play as well as the key principles and policy recommendations for the youth, policy, and advocates and practitioners in Southern Africa.

Highlights of the AUTJP

The AUTJP was adopted unanimously in February 2019 after almost a decade of advocacy work.⁸ The policy brings what has now become a global practice in post-violent conflict situations back to Africa, in line with the African values of ubuntu. According to the AUTJP, TJ refers to the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation.⁹

In line with this definition, the AUTJP covers both retributive justice and restorative justice. It is anchored on the nine principles that constitute the basic minimum values and standards across processes.

Principles guiding the AUTJP¹⁰

1. African leadership
2. National and local ownership
3. Inclusiveness, equity and non-discrimination
4. African shared values
5. Context specificity
6. Synergising, sequencing and balancing transitional justice elements
7. Due regard to the gender and generational dimensions
8. Cooperation and coherence
9. Capacity building for sustainability

Key among the principles is 'African leadership', which makes it clear that implementation of TJ is a responsibility of African governments.

Another equally important principle is 'National and local ownership' which states that partnerships, particularly at the national level, between beneficiaries and the government, State and non-State actors, are critical to nationally driven

successful TJ processes. It is primarily this principle that acknowledges the role of civil society as critical to ownership of the process. This is also linked to the principle of 'inclusivity, equity and non-discrimination' that is in line with the global best practices. The United Nations High Commissioner for Human Rights has pointed out that, 'TJ must have the ambition of assisting the transformation of oppressed societies into free ones by addressing the injustices of the past through measures that will procure an equitable future.'¹¹

The AUTJP and the youth

The AUTJP is expected to act as a guideline for member states in their quest to confront and address past injustices. The adoption of the AUTJP is the first step in a continental drive to implement a coherent TJ mechanism that can be applied to different contexts. Among many other aspects that are covered by the AUTJP, there are, at various intervals, sufficient references to the roles that young people can play.

Youth and participation: One of the nine principles outlined in the AUTJP is the principle of inclusiveness, equity, and non-discrimination. The AUTJP states that this principle is fundamental in addressing exclusion and the inequitable distribution of power and wealth, which have traditionally been one of the root causes of conflict. It then states that TJ processes should promote participation and address the needs of marginalised and vulnerable groups that include young people.

Youth as victims: The AUTJP defines victims as persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law.¹² This definition is wide and covers a whole range of populations and individuals. In one of the key principles, the AUTJP states that due regard must be given to gender and generational dimensions of violations. It further states that TJ processes should envisage special measures to support young people as victims of conflicts.¹³

Youth and their truths: In discussing transitional justice commissions, the AUTJP gives emphasis to the need to establish a full historical record of the past including various experiences of such groups as the youth.¹⁴

Youth and reparations: The AUTJP also acknowledges the need to pay attention to the needs and interests of young people in considering collective reparations.¹⁵ Such matters as education, ultimately, should have a youth focus as the main beneficiaries of such a programme or as the main victims of any failure to address such communal needs.

Youths and memory: In discussing benchmarks and standards for successful memorialisation, the AUTJP notes that by their nature, memorialisation programmes should foster intergenerational dialogue and involve educational activities targeting children and young people.¹⁶

As TJ's focus is rebuilding a broken society and healing its wounds, it is a future-looking process and the youth become critical. This is what comes out in the AUTJP when it encourages fostering intergenerational dialogue involving children and the youth.

With these aspects in mind, the youth's role in the process should be understood at different levels. The first level is the youth as victims of past conflicts. The second level is the youth as participants in the process. The third level is the youth as leaders of the process. These are not the same thing but can be closely related.

The youth as victims and survivors

The youth as victims and survivors of past conflicts

The story of Africa is a story of the liberation of a people burdened by the legacy of oppression dating back to the time of slavery, the slave trade and later colonialism and apartheid, as well as experiences of post-independence human rights violations. As the years pass by, new struggles and arenas for struggle are emerging. These are creating new victims with young people being at the receiving end. But how can TJ first and foremost provide healing for young people who carry the woundedness of successive struggles – the struggles of the past, the present and the future? As transmitters of memory, the youth play a crucial role in breaking the cycle of violations.¹⁷ But this process must begin with the acknowledgement of past violations as they relate to the youth at multiple levels. The AUTJP refers to this matter in the principle of due regard to the generational dimensions of violations and TJ processes. In the exact words, the AUTJP states:

*TJ processes should envisage special measures of support for women and youth as victims to ensure their physical and psychosocial rehabilitation and social reintegration.*¹⁸

The engagement of youth as victims and survivors of past violations needs to cut across all aspects of TJ as the issues are often interrelated. For example, the full extent of how the youth were affected by a conflict may never be known unless bodies such as truth commissions engage with youth themselves, not only as a marginalised group as often is the case leading to the ticking of the boxes, but rather as a key group equitably seeking the recovery of truth. This engagement process allows youth perspectives and experiences to form part of the 'national' truths as young people are able to tell their 'truths'. It is possible that the violations that Southern Africa is dealing with now are so distant from the 'youth' that they may not have direct experience of the conflicts. Relegating such experiences as secondary value creates a dangerous sense of exclusion and alienation for youth.

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An important role for the youth in that process is to actively engage and find entry points to tell their stories so that they are part of the narrative. This must not only end with the narrative but must be taken further into the issue of reparations and possible rehabilitation of the youth from trauma and its consequences.

In Zimbabwe, militant groups like the Mthwakazi Republic Party (MRP) have often felt that they are victims of Gukurahundi and yet they have not been treated as such. Most of the members of the MRP may as well be too young to have directly witnessed Gukurahundi. And yet their victimhood must never be looked down on as if it matters less. There should be an acknowledgment that the devastating effect of Gukurahundi left many young people orphaned and millions impoverished.

Future victims of past violations

Speaking at the 2018 Transitional Justice Policy Symposium, one of the participants stated, 'Today's economic policies are creating victims in the future.'

How can TJ provide compensation for future generations?' Crimes such as genocide carry within them many other violations that go beyond the direct victims of the day. The capacity for genocide to operate as a continuing crime requires a reckoning with the historical foundations and ongoing and future impacts of collective group-based violence.¹⁹ While TJ must investigate the *root causes* in great detail in order to understand the past and ensure non-recurrence, it must also investigate in great detail the *effect* of violations in order to ensure a just and fair compensation and reparations programme. When crimes, including gross human rights violations and genocide, are committed, their effects continue to be felt way after the atrocities have ended, making it a continuing violation. It affects, in multiple ways, the survival and well-being of a targeted group of people. It has the potential to wipe away their culture and traditions and endangered populations go underground to escape attacks. It is a violation of cultural rights, the impact of which includes the enjoyment of decent standards of living. Young people thus can become victims and survivors of violations that they have not witnessed or directly experienced.

The role of youth in TJ processes must not be limited to those who identify as victims but to all young people as a key group.

Post-apartheid South Africa is a good example of a country engaged in the conversation of responding to victims of past conflicts. The conversation on economic transformation and how the economy that has in the past worked for the minority must now deliver for the previously disadvantaged has taken centre stage and inspired the Rhodes Must Fall and Fees Must Fall movements in 2015. The new government must dismantle the legacy of apartheid by taking action that will lift those who were subjugated by the apartheid system. Because of its future orientation, a social justice programme ought to have a greater focus on what the new economy must deliver to young Africans than on what the old economy failed to deliver to their ancestors. The SA Reconciliation Barometer Survey for 2019, for example, found that less than a third of South Africans think that their personal safety had increased since 1994.²⁰ In other words, there are still many people living with a sense of insecurity in independent South Africa.

The quest for transformation will continue into the generations that did not directly experience apartheid before 1994 but they will still be experiencing its adverse effects. For this process to make sense to such generations, young South Africans today must act as the bridge between the past and the future to ensure that the narrative is not lost, or at least to minimise the loss of memory.

Indeed, many young people have expressed the desire that the stories of the past be preserved and taught in schools. At the end of the first day of the 2018 Transitional Justice Policy Symposium in Zimbabwe, one young man tweeted;

Today I got to spend the day at the Transitional Justice Policy Symposium. And one of the speakers gave a presentation on "Taking Stock of Zimbabwe's Transitional Justice Journey" and I really think they should teach that in our high schools as Zimbabwean History.²¹

This desire is prevalent in many Southern African countries.

In this expression, there is a greater awakening to the use of new media to make TJ an everyday conversation that fits into the everyday lives of young people. Social media comes in as a tool through which these stories can spread faster, accelerating wider buy-in among young people.

The youth as participants in the transitional justice processes

The role of youth in TJ processes must not be limited to those who identify as victims but to all young people as a key group. The AUTJP states this as follows:

TJ processes promote the participation and address the needs of marginalised and vulnerable groups such as women and girls, the elderly, disabled and youth (especially child soldiers)...²²

There is indeed emphasis on youth as victims which is true and has already been discussed above. However, it is important to look at the youth beyond their victimhood but merely as members of society who must get an equal opportunity to shape the future of the country.

With the demographic analysis given for Africa's population, it is critical that young people be part of

the process. Alienation of the youth may create dangerous instability. This is what Schwartz (2010) meant when she said communities and governments need to support young people engaged in positive roles. Otherwise, she warned, youth could become a 'resource for perpetuation of violence', especially if they become apathetic toward the reconstruction process, or are recruited as child soldiers. Schwarz advised that young people need empowerment programmes to 'provide skills to be productive in [their] community' as well as to boost their sense of belonging.²³

The African Youth Charter cements this view by providing that every young person shall have the right to participate in all spheres of society. The Charter goes further to break down the spheres of participation that include Parliament, and many other civic duties.²⁴ Article 17 is more relevant to TJ as it states:

In view of the important role of youth in promoting peace and non-violence and the lasting physical and psychological scars, that result from involvement in violence, armed conflict and war, State parties shall strengthen the capacity of young people and youth organisations in peace building, conflict prevention and conflict resolution, through the promotion of intercultural learning, civic education, tolerance, human rights education and democracy, mutual respect for cultural, ethnic and religious diversity, the importance of dialogue and cooperation, responsibility, solidarity and international cooperation.

These speak directly to the specific aspects of how young people can plug into the TJ discourse. The areas of participation listed in the African Youth Charter are areas that look towards building positive peace. By listing positive acts of inclusion, the Charter seems to acknowledge the point made by Del Felice (2007) that the lack of children and youth participation in decision-making processes at all levels is also a form of structural violence. 'Decisions are often made *for* them, but not *with* them, losing their valuable perspectives and insights.'²⁵ She goes on to note that there are many young people who are peace builders. They are pro-active agents in their communities, in their schools, workplaces, sports teams, youth groups and universities.

These are clear positive roles that the youth can play in advancing TJ in Africa.

The youth as leaders in transitional justice processes

While the positive role that the youth must play is clearly laid out in the African Youth Charter, it is also very subtly suggested in the same Charter that the youth are to be treated with suspicion. A closer look at the activities that are suggested almost sounds like a rehabilitation curriculum. With this in mind, it becomes necessary to introduce the important role that youth can play as leaders in TJ processes. It is not enough to include young people as participants, they must be able to lead the processes. This role must not only be framed positively, but rather it is and must be understood as a positive role of leadership and role modelling. It is not about keeping them out of trouble. It is a real task which they ought to undertake effectively.

In the task of advancing TJ, the youth must take effective leadership roles and not only wait at the periphery of the processes

The leadership of youth in transformative processes is not a new phenomenon on the continent. It is young people who led and executed the liberation struggle. As mentioned before, university and high school students led the struggle against apartheid at a time when almost the entire ANC leadership was in prison. In Zimbabwe, university students led the building of the coalition that demanded a new constitution from the 1990s.

As Southern Africa is now faced with the important task of advancing TJ, the youth must take effective leadership roles and not only wait at the periphery of the processes. This leadership can take many forms. It can be leading from the front, or it can be leadership through knowledge, influence and inspiration.

With increasing centres for knowledge production across the continent and beyond, young people must grab these opportunities and become experts on how to drive TJ on their continent. They must take key roles in TJ institutions. And they must, through influence, work with grassroots communities to ensure that TJ processes do not end up being top to bottom processes. For this to happen, there is a need to invest in the education, health and livelihoods of young people, and in organisations, initiatives and

partnerships led by youth. As McEnvoy (2001) notes,²⁶ this leadership is already in place, but perhaps there is a need for more deliberate investments. She states that youth are the primary actors in grassroots community development/relations work; they are at the frontlines of peace building.²⁷

This is an understanding of the role of young people that is in perfect harmony with the United Nations Security Council Resolution 2250. On 9 December 2015, the United Nations Security Council unanimously adopted a resolution on Youth, Peace and Security which recognises that '*young people play an important and positive role in the maintenance and promotion of international peace and security*'.²⁸ The five key pillars of action identified by the resolution collectively emphasise the role of leadership played by young people.

Key principles for healing, participation and leadership of the youth

The discussion above gives birth to a number of key principles that underline the role of young people in TJ. These are not detached from proposals proffered by the AUTJP as well as the United Nations Security Council Resolution 2250 but the Southern African context and legacy create some nuances to the situation of the youth. This is worsened by the growing exclusion in the region that creates a desperate economic situation for young people, facing the triple challenges of poverty, inequality and exclusion. The key principles are summarised below.

- Young people are by far the most important demographic group in TJ processes. A successful TJ process in Southern Africa has the potential to create a safe region for 200 million young people. A failed TJ process leaves traumatised and wounded generations that may make the region a potential incubator for violence.
- Transnational issues are key to youth-centred TJ programmes. Southern Africa's colonial legacy has created a highly connected region where emerging issues have no respect for borders. Just as the liberation movement spread across the borders, TJ processes will need good coordination across the entire region. As such, transnational human rights issues, like migrant labour, must be handled as issues of economic justice for previously deprived communities of young people.

- Healing and reconciliation for young people can never be limited to the generation of today. They remain connected to the direct victims as well as future, even unborn, victims who will suffer the trauma and consequences of the violations that happened a long time ago.
- It is not enough for young people to simply participate, they must lead the process. Effective participation is leadership. Leadership is not possible without investing in TJ knowledge and leadership systems. The TJ knowledge systems remain piecemeal if there is no TJ compliance in the education syllabi in the region.

Policy recommendations

a. Development of a SADC regional youth policy on transitional justice

With the adoption of the African Union Transitional Justice Policy, it is probably the right time for the youth in the region to use the AUTJP as a foundation for developing a regional youth policy on TJ. The policy can make use of the key pillars and principles discussed in this paper and many other authoritative documents. It will include laying the foundation for the youth to participate in the core TJ policies but also the issues connected to those policies like the youth as victims of past violations.

b. Building national transitional justice resource centres for the youth in member states

As previously mentioned, creating leaders is the work of knowledge. If the primary role for young people is to lead TJ, it, therefore, follows that there is a need to create resource centres for youths in the member states. Youth organisations can partner with universities in Southern Africa to generate and curate the knowledge required to advance the capacity of young people to lead TJ. This will include creating and expanding leadership development programmes in the region. Programmes like the Transitional Justice in Africa Fellowship offered by the Institute for Justice and Reconciliation (IJR) based in Cape Town, South Africa are good examples of such leadership programmes.

c. Pro-future transitional justice programmes

With the participation of young people, TJ programmes are more likely to be pro-future. More

creative approaches must be used to ensure more young people are part of the conversation that harnesses the stories and preserves the history without blocking the future. Some ICT programmes allow for the use of digital tools to preserve memory and trigger a pro-tomorrow conversation across generations. This allows the development of TJ programmes that are linked to economic transformation, allowing the link between past violations and restorative economic development policies.

d. Transitional justice-focused education curricula

Young people must lead the transformation of academic curricula as an important part of preserving history while making it appealing to future generations. More TJ products are being released in the region but these are usually presented in forms that only make them useful for archives. Young people can ensure that these are incorporated into the education curricula and are packaged in ways that encourage learning by future generations. The rich stories of truth commissions in the region, like the Truth and Reconciliation Commission in South Africa, are important tools for learning. These can be digitised and the wealth made available even to young TJ advocates who cannot afford to travel to the sites.

e. Social media

As part of developing knowledge systems and tools that are living and alive, social media presents an important opportunity to make TJ palatable in everyday language, culture and lifestyle. It allows for the concepts and strategies to go beyond the 'usual culprits'. Campaigns can take different forms to capture wider audiences. A social media strategy must accompany every policy proposition as a way of expanding the horizons of the TJ conversations.

Conclusion

The youth have an important role in advancing TJ in Southern Africa. The history of the region has already created solidarity platforms that allow for a coordinated approach to youth leadership in TJ. The African Youth Charter has laid a firm foundation on the role of young people not as mere participants but as leaders and champions. This has been cemented by the AUTJP which identifies several avenues for the youth. Looking into the future, a youth policy on TJ is almost inevitable together with a clear programme of action for the youth in the region. Such a programme will be a catalyst for positive change for the region but will also prevent possible instability by giving 200 million young people in the region a concrete role to play in building sustainable peace through justice and reconciliation in Southern Africa.

Endnotes

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