

Kader Asmal

Born: 1934, Stanger, now KwaZulu-Natal

Died: 2011

In Summary: lawyer, member of the ANC, known internationally for his involvement in the anti-apartheid movement.



Kader Asmal source www.africamediaonline.com/search/preview/496_10

Kader Asmal was born 8 October 1934, and remained in South Africa until he had the opportunity to move to London in 1959 to follow his passion and study law. This passion for the legal system came from his moral outrage over Nazi Germany and its human rights violations during World War II , and Asmal wanted to dedicate his life to prosecuting

crimes of this nature. Asmal would spend the next 31 years in Europe, and though he was thousands of miles from his home country, he was still actively involved in politics and the fight against Apartheid. Asmal Formed the Irish Anti-Apartheid Movement and was a vocal speaker

against the government in his home country. Asmal would return to South Africa in 1990. With his background in legal procedures, Kadar quickly joined forces with the African National Congress-ANC- and went to work fighting to bring an end to Apartheid in South Africa. His education abroad was quite useful in his work with the ANC and he became a valuable asset to the cause. Once Apartheid ended in South Africa between the years 1990-1992, Kader went on to be an extremely dedicated advocate and vocal supporter of the Truth and Reconciliation Commission, as well as being a member of the National Assembly, to which he was elected to in 1994. Asmal's views on the effectiveness and healing power the TRC would have for the people of South Africa as a whole is extremely evident; from the books he wrote, lectures he gave and statements he made during the TRC and subsequently after it in reflection. And while Asmal's life and contributions to South Africa can and do fill books, this biography will focus primarily on Asmal's contributions and involvement in the TRC. Asmal's dedication to the anti-Apartheid movement and the TRC was out of love for his country, and his resolve to heal the country after all of the pain that Apartheid had caused it. He believed that the TRC would provide an important outlet for society to come together through and heal the wounds of the past. Asmal played an important role in the Truth and Reconciliation Commission, he provided support and advocated that this process would help the country recognize its past while being able to move forward into a new era for the country.

Asmal remarked:

"In 1994 we are at the edge of the precipice; we had a country with 300 laws that institutionalized racism in a way, that wasn't seen since Nazi Germany. When we repealed those laws, we drew away from the edge of that and that through a whole process of transformation we are being able to deal, not successfully still, but we're only at it for three years." (Asmal, Kader from *Truth Commission Special Report*, Episode 87, section 3, time 38:11)

Asmal's optimism was not unwarranted nor unjustified. He was optimistic that the Truth and Reconciliation Commission would be a positive step in the right direction for the country of South Africa. Asmal stressed that as opposed to previous Truth and Reconciliation Commissions, South African's would not only deal with those who had committed crimes but also with those who crimes were committed against as well (Asmal, Kader, Louise Asmal and Ronald Suresh. *Reconciliation through Truth: A Reckoning of Apartheid's Criminal Governance*.1) By tackling South Africa's past in this manner, Asmal and the rest of South Africa hoped to heal the wounds of the past and move a divided country on the path in the right direction. Looking back, Asmal notes that:

“one of the good things that have come out in our country, since 1994, is that we can't do a Pontius Pilate act or washing our hands of things. We can't. Both our constitutional and legal order is posited on the basis of individual responsibility. (TRC Special Report Transcript, episode 87, section 3, time 38:52).

This theme of individual responsibility was something that Asmal was deeply passionate about. He was a vocal advocate for the TRC process, and would speak out when others would question it. His legal background and strong beliefs made him an extremely important member of not only the ANC since it's founding, but also of numerous South African government agencies and departments. From his position of Minister of the department of Water Affairs and Forestry from 1994-1999 under Nelson Mandela, to Minister of Education from 1999-2004, Asmal believed in South Africa and all that his country could accomplish. His work throughout the 1990's and into the 21st century show how dedicated he was to improving not only the lives of South Africans but also their futures as well. His thoughts on the TRC can be summed up by this quote he said:

“I think the TRC has helped a great deal in educating people, because no one can say after what we've seen on our television screens and heard on our radio and what has happened in an

anecdotal way, no one can say we never knew what happened in South Africa. We didn't know how race was used, not for purposes of keeping standards high, this myth, but race was used as an instrument for privilege and for subjugation and we've removed that. And there your ethical code has changed also"(TRC Special Report Transcript, episode 87, section 3, time 34:15).

Here in his very own words, as clear as night and day, Asmal reasoned why the TRC was so important for the country of South Africa specifically. It was not just that victims were given a chance to speak and tell their stories after being repressed for so long, nor is it all about punishing or bringing to light perpetrators who committed serious crimes. No, the real power in the TRC was the openness and awareness that it brought to the country of South Africa. With it being such a public forum- from television, radio and newspaper – no longer could any South African turn a blind eye nor could they claim that they were unaware of what was happening a mere town away. The TRC brought all of South Africa's painful past to light. Asmal saw the TRC as the ultimate tool to heal South Africa while also educating the country as well. It is a time old saying after all that we should all learn from past mistakes so as not to repeat them in the future. Asmal understands this and is trying to show not only South Africans but also the international community at large as well. That South Africa and its people will take all of the pain and suffering of the past and forge a new future where human rights violations will not be tolerated.

In a lecture that Asmal gave that has since been published in the American Society of Law Journal titled, "International Law and Practice: Dealing with the Past in the South African Experience" he draws on his legal background and expertise to analyze South Africa's legacy since Apartheid. While Asmal stressed how vital it was for South Africans to use the TRC to expose injustices and heal from the past, he also recognized how it unified and strengthened the country as well. Asmal realized that with so many different sides and so many paths the country

could have taken, it was important that every group had the opportunity to make its voices heard. “ the dissent of individuals should not ultimately prevent new democracies from deciding democratically how they wish to deal with their respective shameful pasts” (Asmal, Kader. *International Law and Practice: Dealing with the Past in the South African Experience* law. 7). Asmal understood that for South Africa to succeed post Apartheid rule, everyone needed to have the right to have their opinion heard. That is why the TRC was such an important process for the country. The TRC provided a legal, accountable system that would establish equality among South Africans. As a lawyer whose passion and goal in life was to protect human rights, the TRC was the perfect system to someone such as Asmal. At the end of his speech, Asmal went on to conclude that the TRC was very much necessary in transitioning South Africa from Apartheid into a new, democratic age. How the TRC stopped chaos from happening in South Africa.

Another lecture given by Asmal titled, “ Truth Reconciliation and Justice: The South African Experience and Perspective” reinforced his belief in the TRC and why exactly he advocated strongly for it. In this lecture Asmal stressed how truly important transitional justice was for the future of South Africa. Without the TRC, and its legacy of accountability, the country could not have possibly put the past behind and start the healing process. While Asmal thought the TRC was the best course of action for the country, he did acknowledge that the TRC was not 100% perfect and not without its flaws. But even with its flaws, Asmal spoke about how South Africa and the TRC could serve as a viable model for many countries around the world. Asmal advocated that the process South Africa used could be used internationally as well.

Asmal’s dedication and tireless effort has greatly impacted the lives of South Africans. He was and still is given praise by those who knew him for his hard work and leadership over the years. Mandela has said,

“Few people have the knowledge and experience to compare with you and you have become an expert on so many subjects that your wealth of knowledge is an asset to our movement and our country...the sacrifices you have made and the role that you played will remain in our history books forever” (Mandela, Nelson, (2010) from *sweet speeches.com* [Accessed 18 November 2012])

This is the kind of legacy that Asmal created through all of his years he fought against apartheid and worked in the government. That he was so well educated and such a knowledgeable man was a huge benefit to South Africa. It shows in the fact that even up until his unfortunate death, Asmal worked tirelessly to make South Africa the best it could be, he was not only a member of parliament, but also Chairmen of National Discipline Committee, Chairmen of Portfolio of Defense, and Chairman of the Joint Parliamentary Committee of Ethics and Members' Interests just to name a few.

Looking back and reflecting on how the end of Apartheid came to be and the beginnings of the TRC, Asmal acknowledges what a stressful and emotional time it was. There was real fear from every party over what the future of South Africa looked like. Asmal insisted though, “the crucial requirement of South African transition is the need to reconstruct society and to abolish the horrendous inequalities which were produced by the apartheid system” (Asmal, Kader, Louise Asmal and Ronald Suresh. Pg. 11). Here again Asmal showed his compassion for human rights and dedication to creating a new society where there are certain rights that every citizen and human being is entitled to. Asmal worked hard to bring this healing process to South Africa in the 1990’s and to help South Africa deal with its past while it moved forward into a new era. Asmal’s support was so the past would not be buried, but be dealt with in a way that could bring a sense of closure to those who had suffered under Apartheid.

Kader Asmal was an important figure in South African history. The fact that he dedicated his entire life to fighting injustice and used his legal expertise to fight apartheid even when he

lived in Ireland for most of the 1970's and 1980's shows how dedicated he was. He never stopped trying to educate others on not only South Africa and apartheid but also on human rights violations that occurred in places such as Rwanda and Yugoslavia. Asmal believed that every person had certain rights and dignities afforded to them, and that those rights should be protected and fought for by all. Asmal's beliefs made him never stop trying to better South Africa over the years. From his work with the TRC and ANC to transition South Africa out of Apartheid, to his work in the government as Minister of Education where he tried to fix a system that was inherently broke and unequal. Asmal dedicated his career to the betterment of society. Though he unfortunately passed away-unexpected-in June of 2011 from a heart attack, he is still remembered fondly for all that he did for South Africa and will be remembered for many years to come. His contributions to ending apartheid and advocating for the TRC made him a visible symbol for the ANC and TRC as well. Asmal's lived a very inspiring life, working hard and speaking up for every cause that he believed in.

Bibliography

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4. Asmal, Kader, Louise Asmal, and Ronald Suresh. *Reconciliation through Truth: A Reckoning of Apartheid's Criminal Governance*. Cape Town: David Philip, 1997. Print.
5. "Episode 87, Section 3, Time 34:15." Interview by Kader Asmal. *Truth Commission Special Report*. SABC, n.d. Web. 19 Nov. 2012. <<http://sabcrc.saha.org.za/tvseries/episode87/section3/transcript6.htm&t=Asmal&tab=tv>>.
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8. Mandela, Nelson. Speech Wishing Kader Asmal Happy Birthday. 19 Nov. 2012. Speech.

9. *Personalities: Kader Asmal*. N.d. Photograph. N.p.: n.p., n.d. N. pag. *Africa Media Online*. Web. 4 Dec. 2012. <http://www.africamediaonline.com/search/preview/496_10>.
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Meetings with SAHO parter:

-mainly emailed/gchat/ skype had issues

I accidently deleted some of our conversation but here is part of it.

Hi Yunus, my name is gianna duran and Im in Dr Kellys class at SMU, I just wanted to say Hi and ask if its easier for you for us to communicate through gchat then skype! Im still deciding on a paper topic but will let you know soon what it is and I look forward to talking with you soon!

Gianna Duran



Yunus Momoniat <ymomoniat9@gmail.com>

Oct
7

to me

Hi Gianna

Sorry for the delay in replying. I don't know how to use chat, which sounds like we type messages to each other(?), so I'd prefer to use Skype, which I'm used to (although I've still got to get it up and running on my new machine after the other one died last week). I'm sure we'll work it out.

When are we supposed to meet for the first time? Perhaps I could be of some help regarding a topic? Feel free to ask, if you want, although it's probably best for you yourself to choose something you can get excited about. But If I can be of help, just ask...

Tell me a little about your university and what you're studying besides SA history.

Looking forward to working with you.

Cheers



Gianna druan <gianna.m.duran@gmail.com>

Nov
4

to Yunus

Hi Yunus sorry we have one skyped a little so far this semester. we are supposed to skype on wednesdays at 4 your time i believe if that works for you this week let me know! Im doing my report on Kader Asmal, and I just wrote up a bibliography of sources I have found, Im attaching it for you, if you have any suggestions on sources or topics I should focus on please let me know! hopefully we can skype soon and get to know more about each other!

Gianna Duran



annotated bibliography.docx

77K [View](#) [Download](#)



Yunus Momoniat <ymomoniat9@gmail.com

Nov
6

Hi Gianna

Tomorrow when we skype I will give you some sources that I think will be helpful in your writing on Kader Asmal. Talk to you then-

Skyped:

-Gave me sources, info on how to research and what kind of things SAHO looks for in a biography.

- Talked a little about ourselves, told Yunus about me spending time abroad last semester in Europe and where I traveled too.

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