



Exploring Transitional Justice Options for Zimbabwe

Submitted in fulfilment of the requirements of the degree of Doctor of
Philosophy in Public Administration – Peace Studies

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DECLARATION

EXPLORING TRANSITIONAL JUSTICE OPTIONS FOR ZIMBABWE

I declare that the thesis herewith submitted for the PhD: Public Management – Peace Studies at the Durban University of Technology has not been previously submitted for a degree at any other university worldwide.

Innocent MADENGA

I hereby approve the final submission of the following thesis.

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ABSTRACT

Zimbabwe is in dire need of wholesale reform. Gross human rights violations which date back to the pre-colonial period could have been abated in 1980 when the magnanimous policy of national reconciliation promised a new start. The watershed opportunity was, however, lost mainly because no deliberate efforts were made to account for the wrongs of the past in order to start afresh. The result was that Zimbabwe won the independence, but peace remained elusive. This is evidenced in the continued instability, insecurity and uncertainty.

The non-retributive pledge had inherent weaknesses; it lacked inclusive participation, hence, no broad ownership. Simply drawing a line between the wounded past and the present, meant burying the past without the prerequisite rituals bent on ensuring non-recurrence. The futility of this blanket amnesty is evident in the sustained legacy of gross human rights abuses and impunity.

Political violence has been institutionalised through politicisation of all aspects of life. This research is guided by Lederach's reconciliation theory which uses Psalms 85:10 to emphasise the importance of commitment in converging the seemingly divergent aspects of truth, peace, justice and mercy into a 'meeting place' called reconciliation. Using a mixed methods approach, this research established that the invariably top-bottom approaches massage the symptoms rather than address the root causes of conflicts. The victims' agitations for revenge and retribution prompted me to design action research processes aimed at engaging the research participants in interactive activities.

The action research component aimed at sensitising participants to the merits of letting go of the burdens of the past, and to use scars as reminders of hope and not victimhood. The issues of forgiveness without apology, compensation or even remorse were contentious. However, through give-and-take concessions, the dialogue intervention yielded invaluable by-products such as maximisation of indigenous knowledge systems. Building on the participants' input, sustainable healing and reconciliation can be achieved through deliberate truth-recovery, the right to justice, reparation, forgiveness and non-recurrence assurances.

The research outcomes show that Zimbabwe urgently needs a 'hybrid' transitional justice framework based on inclusive participation. Inclusivity is critical because politicians are not necessarily experts in peacebuilding. The yet to be implemented National Peace and Reconciliation Commission can be used as a tool to seek public opinion on how to overcome the entrenched 'fearology and militarism' (Oberg 2016) ahead of the watershed 2018 general elections. Uncensored national debates can be used to gather information on the way forward. The multiple merits of Information Communication and Technology should be fully maximised in peacebuilding.

Key words: violence and impunity, peacebuilding, inclusive participation, dialogue, transitional justice

DEDICATION

To the enduring memory of our late father, Chomunorwa Wiri Sabhuku Sokutamba Sokuseka Madenga Chibga and all the victims of injustice and impunity. The story of your fate will never be buried with you. Your martyrdom will endure.

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I however, take full responsibility for the opinions expressed, emotions, arguments and interpretations found within this thesis.

List of Abbreviations

ANC:	African National Congress
AU:	African Union
AVP:	Alternatives to Violence Project
CIBD:	Coercion, Intimidation, Beating and Displacement
CCJP:	Catholic Commission for Justice and Peace
CCSF:	Church and Civil Society Forum
CFU:	Commercial Farmers' Union
CIO:	Central Intelligence Organisations
CPIA:	Centre for Peace Initiatives in Africa
CSOs:	Civil Society Organisations
DUT:	Durban University of Technology
FTLRP:	Fast Track Land Reform Programme
GNU:	Government of National Unity
GPA:	Global Political Agreement
GTH:	Grace to Heal
HZT:	Heal Zimbabwe Trust
ICC:	International Criminal Court
ICT:	Information, Communication and Technology
ICTJ:	International Centre for Transitional Justice
IMBISA:	Interregional Meetings of the Bishops of Southern Africa
IPLG:	Institute of Peace, Leadership and Governance
JOC:	Joint Operations Command
LRA:	Lord's Resistance Army
MDC:	Movement for Democratic Change
NGOs:	Non-Governmental Organisations
NIV:	New International Version
NPRC:	National Peace and Reconciliation Commission
NTJWGZ:	National Transitional Justice Working Group Zimbabwe
OHCHR:	Office of the UN High Commissioner for Human Rights
ONHRI:	Organ for Notional Healing, Reconciliation and Integration
PF-ZAPU:	Patriotic Front-Zimbabwe African People's Union
RFF:	Rhodesian Front Forces

SADC:	Southern African Development Community
TFF:	Transnational Foundation for Peace and Future Research
TRC:	Truth and Reconciliation Commission
UN:	United Nations
UNSC:	United Nations Security Council
ZLHR:	Zimbabwe Lawyers for Human Rights
ZANU-PF:	Zimbabwe African National Union-Patriotic Front
ZANLA:	Zimbabwe African National Liberation Army
ZHR NGO Forum:	Zimbabwe Human Rights' NGO Forum
ZIPRA:	Zimbabwe African People's Revolutionary Army
ZPP:	Zimbabwe Peace Trust
ZEC:	Zimbabwe Electoral Commission

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Section I: BACKGROUND TO THE PROBLEM

Chapter 1: Introduction and overview

1.0 Introduction

The tragedy is that the new (Zimbabwe) government learnt nothing from the long history of its own opposition to white rule. It listens to the people no more than its white predecessors did.... And it uses all the oppressive ways of the Rhodesians; torturing and killing of its own people (Harold-Barry 2004:258).

In light of the fact that the current Zimbabwean government resorts to violence and human rights abuses as attested to by the aforementioned quote, this research seeks to explore possible transitional justice options to address this tragedy. The research also seeks to answer the question invariably asked by the South African immigration officers, each time they inspected my study permit, ‘Is peacebuilding possible in Africa?’

Political violence in Zimbabwe has a long history. It can be traced back to the pre-colonial era when it was used as a prime source of power (Mukonori 2012; Coltart 2015). Brute force was also used by the British to divide and rule Zimbabwe for ninety years before the same *modus operandi* defeated them in 1980. Political violence in Zimbabwe has such a long history that it is now not only deeply entrenched in the national psyche but has indeed become normalised (Coltart 2007).

Violence and impunity has therefore been instrumental in the search and maintenance of political power and influence in Zimbabwean history. In 1976, Mugabe declared, ‘The gun which produces the vote should remain its security officer – its guarantor. The people’s votes and...guns are always inseparable twins’ (Mugabe 1981:100). This heralded what has become the main feature of post-independent Zimbabwe’s national elections – unprecedented violence and impunity. The Zimbabwe African National Congress’ (ZANU-PF) ‘graveyard governance’ (Catholic Commission for Justice and Peace in Zimbabwe 2009) can therefore be traced back to the armed struggle.

Zimbabwe is now considered a pariah state at a crossroads. Yet, at independence, it was labelled as the ‘Jewel of Africa’ (Chung 2006:327). Mugabe was recorded confiding in his predecessor, Ian Smith, that: ‘We cannot get over how fortunate we are to be inheriting this jewel of Africa, with its expertise, professionalism, technological know-how, infrastructure, the bread-basket of Central Africa, and the skilled technicians who keep the wheels running (Smith 2001:x).

The lost watershed opportunity to break the history of violence and impunity at independence is regrettable. The miraculous policy of magnanimous national reconciliation, which made Mugabe the most feted leader in Africa, has turned out to be a mirage (Wermter 2012).

A comprehensive transitional justice framework should have been designed to deal with the legacy of colonial human rights abuses and enable the country to start afresh (Mhanda 2011). However, it appears that attempts aimed at national healing and reconciliation have been merely window dressing. As bemoaned by one participant, both the combatants and the civilians ‘remained in the bush’ in 1980 because no efforts were made to rehabilitate and restore them. National Independence, from colonial rule in Zimbabwe, began like a surreal and beautiful drama, (too good to be true) and yet, it turned into a nightmare because the ‘forgive and forget’ approach used, simply wished away the wrongs of the past (The Churches of Zimbabwe 2006).

Today, repeated state calls for national reconciliation in Zimbabwe seem to be translating into a code word for more violence and impunity (Zyl 2011). Zimbabwe has become polarised, mainly along political lines. However, hope – a priceless and powerful tool - is not lost. I encouraged my dialogue workshop participants to transform challenges into opportunities. Drawing from the lessons of Jesus’ resurrection, Pope Francis I (2014), assures that, ‘... dark things are, goodness always re-emerges and spreads...on razed land life breaks through, stubbornly yet invincibly.’ Non-state actors have a key role in firmly, but non-violently, determining how a State should be governed.

1.1 Background to the Study

The year 2016 witnessed a sharp increase in citizen-led nonviolent protests, demanding state accountability and good governance in Zimbabwe. Between January and September 2016, the Zimbabwe Human Rights’ NGO Forum recorded 40 citizen-led protests and 600 arrests. Such citizenry unity of purpose and determination in the face of brute State repression bears testimony to the fact that Zimbabwe requires imminent socio-economic and political reforms. The systematic violence and injustices in Zimbabwe have strengthened the citizenry’s resolve and commitment to demand peace and justice through nonviolence. Martin Luther King Jr (1959:1) urged that:

The nonviolent approach does not immediately change the heart of the oppressor. It first does something to the hearts and souls of those committed to it. It gives them new self-respect; it calls up resources of strength and courage they did not know they had.

At a time when the ‘interest in transitional justice has surged in legal scholarship, in the human rights’ field generally, and most notably in the domain of politics’ (Teitel 2008), this research seeks to explore transitional justice options for Zimbabwe. The research used an urban and rural constituencies case-study approach to explore alternatives to Zimbabwe’s invariably top-to-bottom transitional justice

approaches. The situation on the ground prompted me to devise intervention strategies to bring parties in conflict into dialogue – this action component of the research was very taxing but worthwhile. The study was guided by Lederach’s reconciliation theory, which uses Psalms 85 verse 10 to explain how the seemingly divergent concepts of truth, mercy, justice and peace should converge into the ‘meeting place’ called reconciliation (1997: 30). I am cognisant of the fact that reconciliation, the prized goal, ‘...is not an isolated act, but a lengthy process by which all parties are re-established in love...’ (Pope Francis I 2014).

1.2 The Research Problem

Zimbabweans need to find one another, investigate and acknowledge the transgressions of the past in pursuit of forgiveness, peace and justice, healing and reconciliation (Cross 2014:2). The problem, however, is how best to ‘foster solutions that lead first to a cessation of hostility...and ultimately to a profound change in which harmony and peace are realities instead of simply wishes’ (Kaye 2015). Lessons learnt from post-colonial Zimbabwe’s blanket amnesty approaches confirm that best practices in healing and reconciling a post-conflict society require a comprehensive transitional justice programme.

Without formal acknowledgement of crimes against humanity, the ‘forgive and forget’ proclamations by the Zimbabwean Government have invariably influenced what is called transitional justice without transition (Bamu 2008). Simply drawing a ‘thick line’ between the past and the present does not change things (Chesterman 2004). If allowed to fester and remain unresolved, conflicts degenerate into destructive cycles of violence (Kaye 2015). Zimbabwe is therefore missing the fact that:

There is no handy roadmap for reconciliation. There is no shortcut or simple prescription for healing the wounds and divisions of a society in the aftermath of sustained violence. Creating trust and understanding between former enemies is a supremely difficult challenge. It is however, an essential one to address in the process of building a lasting peace (Tutu 2003, cited in Bloomfield *et al.* 2003).

I contend that the main obstacle to conflict transformation ‘...is not that people do not care (although that is sometimes true), but that the strategy that has been employed to deal with violence is totally and fundamentally wrong’ (Cure Violence Health Model 2016). Both the State and non-State stakeholders must collaborate in dealing with the legacy of political violence and impunity.

Attempts at transitional justice approaches in Zimbabwe have failed mainly because they have been exclusive and premised on the unconditional ‘forgive and forget’ basis. This approach can be traced to the colonial culture of indemnities, amnesties and pardons, which culminated in the Amnesty Ordinance of 1979 and the Amnesty Ordinance 12 of 1980. The continued use of executive powers of pardon and

ad hoc clemency orders has not only sustained this culture, but also weakened the legislature and compromised the independence of the judiciary (Huyse 2003). This research aimed to explore ways through which Zimbabwe could transcend from this culture of negative peace to a culture of positive peace characterised by orderly resolution of conflicts and harmony associated with mature relationships (Galtung 1969).

My research interest emerged from the current informal debate on the nature of a transitional justice framework suitable for Zimbabwe. The debate is between the state and non-state actors. The latter is hereby defined as a conglomeration of diverse but like-minded pro-democracy organisations, which have, since the pre-colonial era, urged the state to adhere to the basic principles of good governance such as accountability.

Basing its argument on the assumption that ‘...instead of raking up the past.... Zimbabwe should expend its energies on the present and the future’ (Chinamasa 2012 cited in *The Herald* 2012:2), the state has always shown a lack of political will as evidenced in the lack of clarity on legitimacy, mandate and periodisation of its transitional justice efforts. I contend that the wrongs of the past cannot be simply wished away, and subscribe to the argument that ‘...sometimes it is important to open the wound in order to dress it’ (Hill 2003: 85). I am also cognisant of the fact that all-stakeholder participation is critical in creating an ‘open free and democratic environment’ where ‘genuine healing and reconciliation can take place’ (Bennett 2010:120-121). This means transitional justice models should ‘not start from scratch but derive from the work done by civil society organisations’ (De Greiff 2013 cited in Zimbabwe Human Rights NGO Forum 2013:2).

Allegations about the state’s complicity in political violence or lack of political will to stop it are not unfounded. The National Peace and Reconciliation Commission (NPRC), which succeeded the Organ on National Healing, Reconciliation and Integration (ONHRI) in 2013, is yet to be implemented. Apart from a legitimacy crisis, the ZANU-PF government, in power since 1980, is yet to decide whether the NPRC will concentrate on investigating the past abuses or the prevention of future conflicts (Constitution Watch 40/2013). Moreover, the Constitution (2013:98) is vague on when the NPRC will be implemented (though it has a live span of 10 years since the adoption of the Constitution) and whether it will be allowed the independence to investigate, the alleged State-sponsored human rights abuses.

As noted above, my action research component was informed by the situation on the ground. Upon realising that most respondents were advocating for retributive justice, I initiated a dialogue intervention

programme. The motive was to harness local values and create an optimum opportunity for change and transformation.

1.3 Central research question

Which transitional justice options are suitable for Zimbabwe?

1.4 Research sub-questions

- 1.4.1 What is the nature, extent, causes and effects of political violence in Zimbabwe?
- 1.4.2 Which transitional justice model would be suitable for Zimbabwe?
- 1.4.3 Who should be the stakeholders in Zimbabwe's transitional justice processes and what should be their roles?
- 1.4.4 How can Zimbabwe's transitional justice process be sustained?

1.5 Overall aim

The overall aim was to explore transitional justice options for Zimbabwe.

1.6 Research objectives

The research sought to:

- 1.6.1 document the nature, extent, causes and effects of violence in independent Zimbabwe.
- 1.6.2 explore transitional justice options for Zimbabwe.
- 1.6.3 identify transitional justice stakeholders in Zimbabwe and examine their roles.
- 1.6.4 draw lessons learnt from the best practices and principles in transitional justice processes.

1.7 Significance of the study

Using a mixed methods approach and graphic illustrations, this research explored possible transitional justice options for Zimbabweans. By engaging both the victims and the alleged perpetrators in interactive peacebuilding activities, the research sought to contribute knowledge on the importance of all-stakeholder participation in restorative justice processes. All stakeholder participation in dealing with human rights' abuses promotes public debates and a sense of process ownership. The approach is designed to explore how a wounded and traumatised country like Zimbabwe can achieve healing and reconciliation by maximising both the indigenous knowledge systems and the best practices and principles in transitional justice. The research will show why and how the State and non-State actors can collaborate in peacebuilding activities. The research sought to show how collaborative interventions give the victims a voice and convince the perpetrators of the merits of peace and justice. The victim-perpetrator identity is critical in designing interventions. Participatory interventions have the potential

to motivate the disputants to meditate and reflect on issues that divide them, and possibly transform adversity into mutual tolerance.

Overall, the research outcomes could influence policy formulation and implementation. The interactive participation should change participants' attitudes, mindsets and behaviour on issues of conflict, peace and justice.

1.8 Delimitations of the Study

The study was carried out in Mutare Central (urban) and Mutare South (rural) constituencies in Manicaland Province, Zimbabwe (Maps 8.1). The choice was purposively selected. The province is predominantly rural, with a unique political history before and after independence. It endured the wrath of both the ZANLA guerrillas and the Rhodesian Front Forces counter-insurgency during the liberation war. The province has been the home of prominent opposition politics, thereby increasing the incidence of politically motivated violence.

1.9 Limitations of the study

The initial challenge was to define the term 'transitional justice' precisely. My definitions to the participants made it synonymous with 'healing and reconciliation.' The terms peacebuilding, healing and reconciliation are closely linked to transitional justice. However, the terms healing and reconciliation have been so overused to the point of being abused in Zimbabwe, because politically motivated violence has not abated.

The sensitive nature of the topic was a cause for concern. Participants were curious about the purpose of the research and my host organisation. I took time to explain the purpose of the study and my guiding ethical considerations. I was, however, fortunate that my fieldwork coincided with the state's pilot consultation on the National Peace and Reconciliation Commission and the citizen-led nonviolent protest movements.

My dialogue invention workshop was threatened by both logistical and pedagogical challenges. Action research depends on so many variables, key among them are the mobilisation of the participants and dealing with their expectations. Initially the would-be participants were visibly sceptical about my objectives. I had to define the objectives and the targeted outcomes. Participatory activities need careful planning because they are time-bound.

I also had to contend with emotional challenges and the intimidating environment. Assuming that every Zimbabwean is a victim of political violence in one way or another, I shared my own violations, including the shooting of my father on June 29, 1977. I confided how this tragic experience has

strengthened my resolve to work for peace and justice. Emotions are normal and sometimes necessary in order to empathise with participants. I applied my peacebuilding skills and strategies to mobilise the dialogue workshop participants.

Apart from the WhatsApp chat platform, more hands-on activities are required to enhance monitoring and evaluating the outcomes of peacebuilding initiatives. Changing the attitudes, mindsets and behaviour of the participants may not be achieved overnight. Sensitising a divided and traumatised community on the merits of letting go the wrongs of the past has a ‘feel-good effect’, which can resuscitate their ‘self-belief’ and capacity to change (Bloor and Wood 2006: 12). However, given the research time factor and other variables, conclusions may be misleading.

The creation of the WhatsApp chat group had inherent follow-up and follow-through merits. However, the facility is hamstrung by a number of factors – not every community member is a participant due to a number of reasons such as high tariff rates. Some participants have, for security reasons, decided to take a low profile or use pseudonyms.

I got so carried away by the ‘success’ of the action research component and forgot to involve the participants in evaluating the effectiveness of the methodologies used and to train community trainers of trainers. This is necessary for continuity’s sake. This oversight can be corrected when I take the research feedback to the community.

1.10 Definition of key concepts

The following key terms will be defined here. More operational terms are defined in chapters 3 and 7.

1.10.1 Transitional justice

Transitional justice is a contested concept. This is a range of judiciary or non-judiciary approaches used by the State, non-State actors or both, to deliberately address human rights violations. The evolution and contestations are reviewed in chapter 2. However, suffice to say, the goal is to transcend from a culture of violence (and impunity) to a culture of peace, justice and trust (De Mello and Zehr 2012). As noted in chapters 3 and 7, its key interlinked elements are judicial trials and prosecutions, TRCs, reparations, institutional reforms and memorialisation.

1.10.2 Peacebuilding

Peacebuilding is the holistic process of promoting peace and justice by addressing the root causes of the conflict. This involves empowering local actors in breaking cycles of violence and resuscitating

trust between people (Zimbabwe Human Rights NGO Forum 2009). This research argues that peacebuilding must be holistic rather than prioritise physical reconstruction only.

1.10.3 Healing

Healing means to ‘make whole’ by dressing the wounds of the past, overcoming divisions, and rebuilding victims’ self-esteem, identity and worth (Zimbabwe Human Rights NGO Forum 2009). This research argues that, healing must not be imposed or prescribed, but holistic and consultative. Victims and perpetrators must be rehabilitated and capacitated to tolerate diversity.

1.10.4 Reconciliation

Reconciliation is the most contested concept in transitional justice processes. It can be conveniently defined as both an immediate post-conflict goal and a painstaking process whose sustainability is mainly intrinsically motivated. Based on Psalms 85:10, Lederach regards reconciliation as a ‘meeting point’ for the seemingly divergent concepts of truth, mercy, justice and peace (1997). The process is achieved through what may be termed as ‘walking the talk.’ To reconcile therefore is to bring opposing people together (CPIA 2005).

1.10.5 Conflict transformation

This is the overall search for healing and reconciliation by building bridges of trust between conflicting parties. The Berghof Foundation (2012: 23) describes conflict transformation as a ‘complex process of constructively changing relationships, attitudes, behaviours, interests and discourses in violence prone settings.’ Lederach (2003:14) regards conflict transformation as ‘... life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships.’ This involves addressing underlying structural, cultural, and institutional conditions that encourage and sustain violence.

1.10.6 *Gukurahundi, Murambatsvina and Jambanja*

The terms are now synonymous with politically motivated violence and impunity in Zimbabwe (Sachikonye 2011).

1.10.7 *Ubuntu*

Ubuntu is an African philosophy, which underlines the presupposed mutual interdependence of African communities (Stuit 2010:85). As expressed in the Zulu proverb, ‘*umuntu ngumuntu ngabantu*’ (I am a person because of other persons), *Ubuntuism* therefore entails seeing people less as ‘individuals than as part of an indefinitely complex web of other human beings. Premised on the notion that we are all bound

up with one another, the philosophy is defined by inter-linked African relationships (Malan cited in Francis 2006:26).

1.10.8 Early Warning Systems

In this study context, these are mechanisms or procedures designed to detect and communicate signs of potential or impending threats, in order to take preventive or mitigatory measures (Diller 1997 cited in CPIA 2011:18).

1.10.9 Truth and Reconciliation Commissions

Truth and Reconciliation Commissions are official, *ad hoc* bodies set up to investigate human rights violations in a given period, in order to ensure recognition and closure of both victims and perpetrators (Parker 2017). They are usually set up through a presidential decree or an act of parliament.

1.11 Thesis structure

This thesis has eleven chapters structured into five thematic sections. Table 1.1 below shows the thesis structural organisation:

Section I Introduction and overview	Chapter 1 Background to the study Research problem Research questions/objectives Delimitation of the study Limitations of the study Definition of key terms
Section II Review of related literature	Chapter 2 Transitional justice as a contested concept The evolution and globalisation of transitional justice processes. The International Criminal Court and Africa Chapter 3 Underlying debates on the forms of justice: revenge, retributive and restorative A survey of the post-WWI settlement The merits of forgiveness – the case of Maurice Nyagumbo and Nelson Mandela Chapter 4 Lederach's reconciliation theoretical framework Psalms 85: 10 The conflict transformation 'Meeting place' Actors and approaches Relevance and limitations to this study Chapter 5 A synopsis of political violence Zimbabwe in independent Zimbabwe Galtung's triangle of violence Gukurahundi massacres from 1982-87 Fast Track Land Reform Programme in 2000 Murambatsvina in 2005, and The post-colonial electoral violence Chapter 6 Attempts at transitional justice in independent Zimbabwe 1980 – forgive and forget amnesty 1987 - Unity Accord 2009 – The Organ on National Healing, Reconciliation and Integration 2013 to date - National Peace and Reconciliation Commission Chapter 7 Transitional justice methodologies Elements of transitional justice - trials and prosecutions, TRCs, reparations, institutional reforms and memorialisation Selected traditional African justice mechanisms- in Uganda, Rwanda and Zimbabwe
Section III Research design and methodology	Chapter 8 Research methodology The research objectives, research paradigm, research design and research methodology nexus Mixed methods research Research population and sample Pilot testing Sampling techniques and research instruments Validity and reliability Ethical considerations
Section IV Data presentation, analysis and interpretation	Chapter 9 Data presentation Chapter 10 Data analysis and interpretation
Section V Conclusion	Summary, Conclusions and Recommendations

Table 1.1 **Thesis organisation**

1.11 Summary

This chapter provides a background to the projected research context and problem. The research problem, underlined by the endemic political violence and impunity in Zimbabwe, justifies the urgency to explore transitional justice processes. The research problem also informs the research questions and

objectives. The chapter also outlines the structure of the thesis, the delimitation, the limitations and key concepts. The dialogue intervention was prompted by the participants' agitation for revenge, justice and compensation. Adequate resources such as counselling skills, time and training are required when dealing with the divergent issues of revenge, retributive and restorative justice. Engaging processes can change participants' attitudes, mindsets and behaviour. Even the Zimbabwe Chiefs' Council President, Chief Charumbira acknowledges that, 'We are ready to learn from other countries without losing sight of our local context which is rich in traditional tools for conflict transformation' (2016 cited in Mushava 2016:1). The next section reviews the literature related to transitional justice processes.

Section II: Review of related literature

Chapter 2: Transitional justice: the evolution of a contested concept

2.0 Introduction

‘Today more than ever, there is a huge need for universal justice’ (Kaba 2016 cited in *News24* 2016).

Section I provided a background to the endemic political violence and impunity in post-colonial Zimbabwe. Section II has six chapters. It reviews the literature related to transitional justice processes, including the guiding theoretical framework. This chapter traces the genesis and evolution of the contested transitional justice concept up to the International Criminal Court (ICC), and beyond. Due attention is given to the contestations on applicability and feasibility vis-à-vis the context and global trends.

2.1 The transitional justice concept

Transitional justice is a contested concept. The United States Institute of Peace (USIP) through its post-Cold War research entitled, ‘Transitional Justice’ (Solomon 1995: xxiii), first coined the term ‘transitional justice.’ Kritz (1995) defines it as a holistic process to reconcile deeply polarised and divided societies with a history of gross human rights violations. Crocker (2001:270) defines it as ‘the way in which emerging democracies or post-conflict societies deal with the legacy of past human rights abuses perpetrated or permitted by former authoritarian regimes.’ Nonviolent democratisation processes in Eastern and Central Europe in the 1990s raised optimism about the possibilities for conflict resolution mechanisms (McCandless 2007:42). This shift in peacebuilding processes was affirmed by Boutros-Ghali the 6th UN Secretary-General in his *Agenda for Peace*, which advocates the engagement of a variety of activities that are associated with ‘capacity building, reconciliation and societal transformation’ (1992).

Kritz’s *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (1995) has however been received with mixed feelings. Several reviewers accepted both the utility and the contents of the term ‘transitional justice.’ For instance, Piccone (1996 cited in Arthur 2009) appreciates how Kritz addresses ‘how democracies have attempted to strike balance between redressing the abuses of the former governments and integrating victims and perpetrators in a post-conflict society.’ Siegel (1998 cited in Arthur 2009) also hails the transitional justice options availed during the crossover from an authoritarian regime to a democratic one. Ash (1998 cited in Arthur 2009) has, however, challenged the idea that the contents of what Kritz presented as ‘transitional justice could capture real-world complexities.’ Ash argues that, ‘instead of ‘coming to terms’ with the historical complexities, in dealing

with the past, Kritz presented transitional justice as deeply enmeshed with short-term political problems with legal implications (cited in Arthur 2009:331-332). Using the historic South African TRC case study, Henkeman (2013) feels that the concept of ‘transitional justice offers built-in denial and, therefore, should be discarded.’

Nevertheless, the transitional justice concept hailed as ‘the emergence of a paradigm’ (Fischer 2011:407) and an ‘invention’ (Mouralis 2014) has increasingly gained in importance and scope in peacebuilding processes. The concept ‘has influenced the legal, social and political discourse of societies undergoing fundamental change and of the international community’ (Villalba 2011:2). Its growing significance is a reflection of the challenges faced by peace builders, in dealing with post-conflict complexities.

Zupan (n.d: 327) posits that every post-conflict society has to grapple with two questions:

- How can a post-conflict society deal with the legacy of a recent violent past?
- How can a society deeply divided and traumatised, regain trust in itself and rebuild a moral system and a shared future?

These questions seek to find the methodologies to be used by a conflicted society in order to transform ‘to desired and more constructive relationships’ (Lederach 2005:138). Transitional justice methodologies have to contend with the following complex questions (Solomon 1995: xxiii):

- Can individuals, communities and societies make the choice to transform great suffering into great wisdom?
- How best can a post-conflict society deal with the painful legacies of its gross human rights’ violations?
- Should priority be given to punishing perpetrators in order to combat the culture of impunity?
- Should a post-conflict society forgive and forget past human rights’ violations, in order to ensure peace and stability?

These questions are very difficult because no particular methodology can be prescribed to all post-conflict societies willy-nilly. Clark *et al.* (2009:381) concur that, ‘transitional justice resembles the minefields it is meant to transcend.’ Notwithstanding these seemingly insurmountable challenges, the concept of transitional justice has remained relevant in all post-conflict societies. The concept has grown from ‘being a peripheral concern to a ubiquitous feature of societies recovering from mass conflicts or oppressive rule’ (Clark 2012:1). Herwitz (2005:539-540) proposes five needs to justify transitional justice processes:

- to punish the human rights violators and strengthen the rule of law;

- for restorative justice to ensure societal healing and reconciliation;
- for transparency in order to build moral capital and support for the new regime;
- to appease the old regime, so that the transition will be smooth; and,
- to strengthen the new regime and free it from the past.

The UN (2014:5) has adopted four international human rights law tenets to inform transitional processes and the fight against impunity. These tenets listed below are linked to Herwitz's proposed needs:

- The state has an obligation to investigate and prosecute alleged perpetrators of gross violations of human rights and serious violations of international humanitarian law, and to punish those found guilty;
- The right to know the truth about past abuses and the fate of disappeared persons;
- The right to reparations for victims of gross violations of human rights and serious violations of international law; and,
- The State obligation to prevent, through different measures, the re-occurrence of such atrocities in the future.

These needs and tenets form the general assumptions in a transitional society. This assumption is motivated by the normative belief in the universal quest for justice and the causal belief, which concerns the possible strategies to pursue justice and the rule of law (Mouralis 2014: 83-84). The assumption, as noted by Lederach (2005:138), 'would require attention not just to propose substantive solutions, but to the need for strategic design of change processes...' This assumption underlines the United Nations' working definition of transitional justice as 'the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation' (Annan 2004). The dilemma, however, is that the needs are not 'exactly consistent' (Herwitz 2005).

2.2 Transitional justice: theory and practice

In addition to the UN definition noted above, several definitions of transitional justice have emerged. Herwitz (2005:539) refers to it as 'the kind of justice distinctive to nations on the rocky road from authoritarian regimes characterised by gross violations of human rights to those that are classified as liberal democracies.' This shows that the transitional justice field 'has a profound normative dimension in that it is pre-disposed to view the past as something 'bad' and the current as something 'good' (Hansen 2010:58). Roht-Arriaza (2006:2) regards it as a 'set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and that are aimed directly at confronting and dealing with past violations of human rights and humanitarian law.'

The Zimbabwe Human Rights Forum (2009) gives a more practical purpose of the transitional justice processes. It defines the processes as ‘the pursuit of comprehensive justice during the time of political transition...the development, analysis and practical application of a wide variety of strategies for confronting the legacy of past human rights’ abuses in order to create a more just and democratic future’ (2009:16). In this case, transitional claims a position as an objective, not just the alleviation of tension but the positive ‘presence’ of justice (Mani 2009 cited in Rimmer 2010:123).

The International Centre for Transitional Justice (2008) regards transitional justice as a response to systematic or widespread violations of human rights by seeking to recognise victims and to promote opportunities for peace, reconciliation and democracy. It is imperative to note that ‘transitional justice is not a special kind of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse’ (ICTJ 2008). Nevertheless, these processes and mechanisms which include both judicial and non-judicial prosecutions, reparations, truth-seeking, institutional reforms, vetting and national consultations are critical in strengthening the rule of law (UN 2014:5).

Transitional justice processes, however, need a specific mandate (UN 2014:5-6), tailor-made to suit the context rather than using a ‘one-size-fits-all’ approach (Rostow 2013:2-3). This means the context should determine the approach or approaches to be used. The feasibility of the processes determines the outcome.

The UN’s UDHR, international human rights law, international humanitarian law, international criminal law and international refugee law are the normative frameworks for transitional justice (UN 2009:5). Therefore, in recognition of these international instruments, transitional justice processes invariably comply with the right to justice, truth, reparations and guarantees of non-repetition. This normative dimension is informed by liberal thinking premised on concepts such as the rule of law, human rights and democracy (Hansen 2010:58). In totality, transitional justice ‘has come to refer to the development, analysis, and practical application of a wide range of strategies for confronting the legacy of past human rights abuses in order to create a more just and democratic future’ (Zimbabwe Human Rights Forum 2006:1).

It is discernible from the definitions that the international human rights law has strongly influenced the development of transitional justice. However, the United Nations (2014:6) notes with concern that the framework has invariably prioritised violations of civil and political rights. This selective approach has prompted the Office of the UN High Commissioner for Human Rights (OHCHR) to lobby for the recognition of socio-economic and cultural rights in order to properly deal with the root causes of conflict. The OHCHR hints that, ‘transitional justice must have the ambition to assist the transformation

of the oppressed societies into free ones by addressing the injustices of the past through measures that will procure an equitable future' (2006).

In his 2010 *Guidance Note on the UN Approach to Transitional Justice*, Ban Ki-Moon, the incumbent UN Secretary-General underscored the 'centrality of victims in the design and implementation of transitional justice mechanisms...and to... 'strive to ensure that transitional justice processes and mechanisms take the root causes of conflict and repressive rule into account, and address violations of all rights, including social and cultural rights.' The credibility of this blueprint has, however, been questioned for 'not accounting for indigenous and customary mechanisms of justice that do not espouse' a legalistic lens (Vieille 2011:58). Sending (2009) contends that the greatest resource for sustainable peace in the long-term is rooted in the local people and their context. Mateos (no date) also concurs that 'local ownership has become probably one the most relevant mantras in post-conflict peacebuilding interventions in sub-Saharan Africa.'

The drive to make transitional justice a global project and to judicialise international relations has led the global community to seek truth and accountability through legal frameworks (Nagy 2008 cited in Vieille 2011:58). These include the post-World War International Military Tribunal, the International Criminal Tribunal for the former Yugoslavia and Rwanda, the Special courts for Sierra Leone and the International Criminal Court, which has assumed universal jurisdiction. From their world survey of 192 countries, between 1979 and 2004, Sikkink and Walling (2006) reveal a significant increase in the judicialisation of world politics. Judicialisation strategies provide a marked departure from a 'self-consciously victim-centric' approach (Cobban 2007). This paradigm shift has transformed the transitional justice concept from its narrow scope of jurisprudence to political considerations of developing stable democratic institutions (Hayner 1995: 225).

In spite of the diversified definitions and controversies which abound, the common denominator is that all transitional justice processes involve a particular set of strategies that seek to account for past human rights' violations and international crimes. The concept may have assumed diverse definitions because of its evolution, growth in importance and the diverse contexts in which it is applied. The bottom line is that transitional justice 'forms an absolutely essential component in every post-conflict peacebuilding process' (Thallinger 2007 cited in Vieille 2011:59).

The diverse definitions underline that transitional justice is not just a 'simple recipe for dealing with past human rights' violations; rather, it is a range of options, which require reflection, discussion and difficult choices' (Zimbabwe Human Rights NGO Forum 2009:17). A post-conflict society's commitment to the principles of transitional justice such as truth seeking and accountability will

determine that society's quest for justice and peace. This scenario exposes the futile blanket amnesty and amnesia approaches. A society that chooses a blanket amnesty as its key transitional justice model risks negating the noted transitional justice principles (Villa-Vicencio 2004:14).

Zimbabwe has, since independence in 1980, endured repeated cycles of unaccounted for politically motivated violence and impunity (Eppel 2005). Best transitional justice practices show that 'even in situations where pardon or clemency might be appropriate, there should be no compromising of the obligation to discover and acknowledge the truth' (Henkin 1995 cited in Hansen 2010:55).

By holistically embracing issues of justice, truth, accountability, reform, compensation, memorialisation, mercy, forgiveness and reconciliation, 'transitional justice is preoccupied not only with individuals and communities, but also with structures' (Francis 2006:30). Forcing survivors to live with 'silenced memories of horror and fear' makes it hard for them 'to put the events behind them and move on' (Eppel 2005:46-47).

As noted in independent Zimbabwe, this 'forgive and forget' or 'healing without revealing' approach can mitigate but cannot break the cycle of violence and impunity (Eppel 2013).

2.3 The evolution of the transitional justice concept: theory and practice

Transitional justice is both a contested and evolving concept. The growing popularity of the concept and the controversy, which surround it, has generated interest in the subject. Since conflict has from time immemorial been part of human life, efforts to deal with its atrocious effects are therefore equally 'very old' (Uprimny and Saffon 2006:2). Bass (2000) traces the history of war crimes' tribunals to more than two centuries ago, while Elster (2004) traces the trials and purges to ancient Greece. The post-WWII Nuremburg Trials reminded the German and Japanese war offenders of the dire need 'to punish acts which have been regarded as criminal since the time of Abel's murder of his brother Cain' (Linda 2000:20).

Since conflict is a 'fact of life,' transitional justice processes have been a salient feature throughout the history of humankind. The concept has therefore grown from 'being a peripheral concern to a ubiquitous feature of societies recovering from mass conflicts or oppressive rule' (Clark 2012:1). It is worth probing why the concept has grown so rapidly in terms of 'both policy and scholarly realms, with ever increasing variety in terms of practical processes and analytical approaches' (Clark 2012:1). It is debatable whether the term transitional justice 'is just a fashionable neologism that refers to an old phenomenon' or whether it is something which has transformed over time (Uprimny and Saffon 2006:2).

The popularity, it can be argued, has been a result of the ‘very important transformation of the framework within which mass atrocities are dealt with,’ in terms of balancing peace and justice (Uprimny and Saffon 2006:2). It is this demand for the justice paradigm that has given the transitional justice framework the ‘specific meaning it nowadays has’ (Uprimny and Saffon 2006:2). Clark *et al.* (2009:381) contend that transitional justice is a nascent peacebuilding ‘toolkit’ yet a ‘dynamic field in which key concepts and their bearing upon which concrete conflict and post-conflict situations are constantly defined and redefined.’ In fact, transitional justice has become an essential component of any liberal peacebuilding operation (Andrieu 2010:3). This confirms Lederach’s claims that efforts to confront the past are now ‘a permanent feature in post-conflict transitions’ (1997:27).

There is a need to deal with the legacy of past human rights’ violations in order ‘to clear the ground in the present for the building of a shared future’ (Lederach 1997:27). This confirms the assertion that conflict is normal in human relationships, hence the need to harness conflict opportunities and use them as an impetus for growth.

The literature on transitional justice is also evolving significantly. From a retributive-based approach, the current literature has become more conciliatory and restorative (Andrieu 2010:3). Emphasis is now more focused on healing the victims, better known as survivors, in order to repair relationships, rather than on naming and shaming offenders. The literature also centres on debates such as possible solutions to specific contexts, the root causes and the relevant participants (Zimbabwe Human Rights’ Forum 2014). In fact, ‘the rapid development of transitional justice studies has reached a point at which it is impossible to devise simple characteristics without the risk of simplifying the complex phenomena and processes’ (David 2012:762).

Efforts to reconcile deeply divided societies should target both the survivors and perpetrators, in order to account for past crimes and prevent new ones. It is imperative to trace and explain the origins and development of transitional justice processes.

2.4 The International Military Tribunal

The precise starting point of the transitional justice phenomenon is contested. In her article, *Transitional Justice Genealogy* (2003), Teitel claims the credit for coining the term ‘transitional justice.’ She conveniently categorises the evolution into three overlapping phases, namely: the post-WWII era, the post-Cold War era and the contemporary period. She organises the genealogy along a schematic of the development of ideas associated with the three phases. Orentlicher (1991 cited in Vinjamuri and Snyder 2004) concurs that the Nuremburg Tribunal inspired the advocacy and scholarship around the study of international war crime tribunals and transitional justice.

Teitel (2003) traces the first phase of her transitional justice genealogy to post-WWI, but acknowledges that the phenomenon became clearer, 'as both extraordinary and international' thereafter. A review of how the victorious Allied Powers dealt with the defeated Axis Powers is hereby made in order to assess the influence of the post-WWII International Military Tribunal on the evolution of transitional justice.

The International Military Tribunal also known as the Nuremburg Trials prosecuted leading German and Japanese WWII perpetrators charged with violating the laws of war and of committing crimes against humanity (Littell 1999:843). The trials have been hailed as the springboard for modern transitional justice processes and a watershed moment in international justice, because they initiated a 'model of accountability focusing on individual responsibility' (Andrieu 2010:4). As acknowledged by the Tribunal's Chief Judge, Lawrence, the trials were 'unique in the annals of jurisprudence' in that they were 'the first trial in history for crimes against the peace of the world' (Jackson 1945).

After the six-year holocaust, in which millions of people were killed, the world was faced with the challenge of how to seek justice and make sure that such similar crimes were prevented in future (Littell 1999:843). The then USA President, F.D. Roosevelt, was the architect of the Tribunals. He had to contend with some American hardliners who demanded retributive justice (Andrieu 2010:5). Aimed at 'prevention, not vengeance,' this legal approach, eventually earned the support of the USA War Department and the Allied Powers (Robert H. Jackson Centre). In his opening remarks for the Nuremburg prosecutions on November 20, 1945, Justice Robert H. Jackson, the Chief Prosecutor, underlined that the trials were a correctional, and not a punitive measure. He assured:

The wrongs, which we seek to condemn and punish, have been so malignant, and so devastating that civilisations cannot tolerate their being ignored because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgement of the law is one of the most significant tributes that Power has ever paid to Reason (Robert H. Jackson Centre).

The Nuremburg Trials were befittingly held at the Palace of Justice in Nuremburg, Germany. Nuremburg was the venue for Hitler's most spectacular annual rallies and the infamous Nuremburg Race Laws of September 15, 1935, which deprived the German Jews of their citizenship and property rights. Moreover, the massive destruction of the City of Nuremburg also bore testimony to the WWII horrors. The symbolic link was, therefore, not merely coincidental.

The initial 22 defendants were Nazi Party officials and high-ranking military personnel, lawyers, doctors and industrialists. They were charged with, inter alia, perpetrating a war of aggression, violating the laws of war and of committing crimes against humanity (Littell 1999:843). The adversarial system with defence lawyers being in place for the defendants was used. Hitler, Himmler, and Goebbels evaded

trial by committing suicide. The Nuremburg Trials introduced a cinema screen in the courtroom and enabled survivors to make open testimonies.

The Trials left an indelible mark on the evolution of the transitional justice processes. The model has been criticised as ‘the victor’s justice’ or ‘disguised revenge’ (Minear 1971:19 cited in Andrieu 2010:4). The Tokyo Tribunal in particular, has been criticised as a gross ‘miscarriage of justice’ because the victors could not account for their own actions such as the atomic bombing of Hiroshima and Nagasaki (Baussiouni 2004 cited in Hazan 2004: x). This criticism has been bolstered by the ‘disappearance’ of the Nuremberg Model during the Cold War era. With the advantage of hindsight, unlike the Vienna and the Versailles peace settlements of 1814-15 and 1919 respectively, the Nuremburg Trials were wary of restorative justice as well as non-recurrence of measures. Arguably, the Nuremburg Trials’ quest for restorative justice motivated Willy Brandt, the Chancellor of the Federal Republic of Germany (1969-1974) and winner of the 1971 Nobel Peace Prize to pursue conciliatory policies, which included apologising for WWII atrocities.

2.5 The Legacy of the Nuremburg Trials

Notwithstanding its shortcomings, the Tribunal produced ‘something extraordinary’ – legalism (Bass 2000). In addition to its potential to heal through truth recovery and educating the public about the horrors of WWII, the model contributed to the evolution of transitional justice in many ways. Through the ‘crime against humanity’ motion and the nullification of the ‘I was following orders’ defence, and the Heads of States’ immunity, the Tribunal shaped the development of international law and justice immensely (Earl 2009 cited in Andrieu 2010:5). The Tribunal has also been credited for pursuing justice and peace by underlining that courts should prioritise justice, and not conviction. The Tribunal urged courts not to prosecute suspects unless they were willing to set them free if they were not proven guilty beyond reasonable doubt (Ehrenfreund 2005).

It is, therefore, noteworthy that the Tribunal also informed controversial issues in modern transitional justice such as truth-seeking, retributive and restorative justice and the rule of law. This reflects the victory of transitional justice within the ‘scheme of international law’ (Teitel 2003:70). The universalisation of the transitional justice concept was therefore an invaluable achievement in the pursuit of justice and peace. Teitel (2003:76) argues that, ‘The profound and permanent significance of the Nuremburg Model is that by defining the rule of law in universalising terms, it has become the standard by which all subsequent transitional justice debates are framed.’

Arguably, the Tribunal directly motivated the newly formed United Nations to convene in quick succession, the Convention for the Prevention and Punishment of the Crime of Genocide (1948), the

Geneva Convention on Laws and Customs of War (1949), and to adopt the Universal Declaration of Human Rights (1948). The Universal Declaration of Human Rights affirmed the ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as being the foundation of freedom, justice and peace in the world’ (UDHR preamble).

The Tribunal inspired further developments in modern International Human Rights Law and institutions. The AU adopted the African Charter on Human and People’s Rights (1981) and the African Court on People’s Rights (2006) to sensitise African States to the urgent need to uphold and respect human freedoms and dignity (Heyns and Killander 2006).

2.6 The invention of the term ‘transitional justice’

While there seems to be a general consensus that the concept of transitional justice emerged as a separate field of scholarly inquiry at an international level in the late 1980s and early 1990s (Kritz 1995; Teitel 2008), the precise birthday of the term is controversial. Teitel (2008:1) who claims to have ‘coined the term transitional justice to account for the self-conscious construction of a distinctive conception of justice...’ in 1991, traces the first phase of the transitional genealogy to the Nuremburg Trials. Teitel seems to be getting the benefit of the doubt as the starting point lies more precisely between the Nuremburg Trials (1945) and the post-Cold War in the early 1990s.

Arthur (2009:329) posits that Teitel may credit the Nuremburg Trials as an important moment in the initial growth of the concept of transitional justice, even though none of the actors may have ascribed the same meaning. However, Teitel was part of the 1992 Charter 77 Foundation Conference where the phrase transitional justice was used ‘sporadically’ (Arthur 2009:324). The Charter 77 Foundation Conference described by its organiser, Alice Henkin, as the ‘intellectual framework’ was also attended by Kritz of the United States’ Institute for Peace, who later popularised the term ‘transitional justice.’ Reporting on the proceedings of this conference, held under the theme ‘Justice in Times of Transition,’ Mary, a *Boston Herald* journalist used the term ‘transitional justice’ (Arthur 2009:329).

Arthur (2009:324-225) regards the transitional justice concept as a product of interactions among human rights activists, lawyers, philosophers, policymakers, journalists, donors and political scientists. She explores a series of conferences convened from the late 1980’s to the 1990’s. These conferences which include the Aspen Institute Conference in 1988, the Charter 77 Foundation Conference of 1992 and the Institute for Democracy Conference of 1994 became the ‘founding moment of the field of transitional justice’ because they focused on how to deal with an abusive past and justice in times of transition. Since the transitional justice concept is knowledge-based, the participants’ diverse

backgrounds afforded them the opportunity to compare their experiences, and debate possible options and challenges.

Faced with this ‘origin complexity,’ Arthur (2009:327) has urged that the starting point can be the ‘transmission and acceptance of the term transitional justice.’ She singles out Kritz, another participant in the 1992 Charter 77 Foundation Conference for making a significant contribution in this regard, through his four-volume compendium entitled: *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* in 1995. Thereafter, the use of the term ‘transitional justice’ progressively grew. Arthur is one of the authors who hail Kritz’s compendium as a ‘canon on transitional justice literature (2009:331). Its sub-title, ‘.... *How emerging democracies reckon with former regimes* has become an instant catch phrase which makes it easy to consider transitional processes, such as prosecution and the controversies around these constructs. Kritz has, however, been accused of presenting transitional justice as deeply enmeshed with temporary political problems, instead of dealing with historical complexities (Ash 1998 cited in Arthur 2009:331-332).

Arthur contends that the term ‘transitional justice’ was crafted as a device to signal a new sort of human rights’ activity and, as a response to concrete political problems faced by human rights activists during ‘transitional’ periods (2009:326). She hails this as a turning point in the shift from ‘naming and shaming’ to accountability for past human rights’ abuses at an international level (2009:321). The notion of transitional justice crystallised due to debates on how to deal with human rights’ violators (Teitel 2010:1). In the current global phase of transitional justice, the increasing involvement of non-state actors and the turn to law to regulate violence has intensified debates regarding issues of accountability and impunity (Teitel 2010:1). Even the purpose of transitional justice now goes beyond state-building, to include issues of ‘human peace and human security’ (Teitel 2010:2). The debates also tend to concur that restorative justice is more enduring than retributive justice.

2.7 Globalised tribunals: International Criminal Tribunals for former Yugoslavia and Rwanda and the International Criminal Court

Notwithstanding its alleged merits, the Nuremburg Model was subdued by the Cold War and the bipolar balance of power politics which ended with the demise of the Soviet Union in 1990 (Andrieu 2010:5). This post-Cold War era, described by Roht-Arriaza (cited in Teitel 2010) as the ‘age of human rights’ can be hailed as the defining moment in the evolution of the transitional justice concept. The democratic transitions of most Latin American, East and Central European nations grappling with the traumatic legacies of autocratic regimes in the late 1980’s can be hailed as a springboard in the development of transitional justice processes. The post-Cold War ‘new world order,’ witnessed the proliferation of

criminal tribunals, commissions of inquiry, reparations and memorialisation efforts, and institutional reforms as fashionable practices in dealing with past human rights' abuses (Hinton 2013:87-88).

The post-Cold War era (1945-1990) witnessed a phenomenal development of the transitional justice concept. Teitel (2010) categorises this era as the second phase of her transitional justice genealogy. The involvement of more actors, mainly from civil society motivated the new transitional justice frameworks to move beyond trials and retributive justice. The new phenomenon embraced more comprehensive approaches such as truth commissions which prioritised healing and reconciling post-conflict societies (Teitel 2003:75-77). This approach, first used in Argentina in 1983 was a wholesale package cognisant of the merits of amnesty and forgiveness (Teitel 2003:77-82).

The post-Cold War era described by Huntington (cited in Teitel (2003:75) as the 'third wave of transition', was associated with political democratisation. The 'What is to be done?' new challenge shows a significant paradigm shift from the Nuremburg Model's 'Victor's justice', to tension between the legal demands of justice and the political need for peace (Uprimny and Saffon 2006: 15).

Teitel (2003) has defined her 'third phase' of the transitional justice genealogy as being intrinsically a contemporary process. This 'steady-State transitional justice,' as Teitel refers to it, is epitomised by the International Criminal Court (ICC) formed in 2002. The ICC symbolises the entrenchment of the Nuremburg Model in that it is an International Tribunal mandated to prosecute war crimes, genocide and crimes against humanity (Teitel 2003:90).

2.8 International Criminal Tribunals for former Yugoslavia and International Criminal Tribunals for Rwanda

The UN created International Criminal Tribunals for the former Yugoslavia and Rwanda in 1993 and 1995 respectively, using the Nuremburg Model. These ad hoc tribunals also aimed to end impunity, moralise international affairs and create a link between peace and justice (Andrieu 2010:6). This new form of 'international judicial intervention' has been hailed as the birth of 'a shiny new hammer in the civilised world's box of foreign policy tools' (Scheffer 1996 cited in Andrieu 2010:6).

Both ad hoc tribunals have contributed to the advancement of international law, with regard to the definitions of rape as a crime of war, genocide and crimes against humanity (Journal of International Criminal Justice 2004 cited in Andrieu 2010:5). The prosecution of Milosevic and fellow perpetrators in former Yugoslavia and Jean Kambanda, the former Rwandan Prime Minister, bear testimony to the fact that there should be no sacred cows in international law.

2.9 The International Criminal Court

The creation of the ICC in July 2002 can be hailed as a milestone achievement in the evolution of transitional justice processes. Bassiouni (1998 cited in *The Associated Press* 2016), called it ‘a triumph for all peoples of the world.’ Human rights’ groups celebrate the ICC ‘as the best means of pursuing perpetrators of the world’s worst atrocities’ (Torchia 2016). As noted in chapter 7, the creation of a regime of reparations to victims in Article 75 of the Rome Statute of the ICC has been hailed as a milestone development in transitional justice (McCarthy 2009). I subscribe to the plea that, ‘today more than ever, there is a huge need for universal justice’ (Kaba 2016 cited in *News24* 2016).

The roots of the ICC can be traced directly back to the Nuremburg Tribunal. The ICC is however, unique in that it is the first ‘international judicial tribunal tasked with a global jurisdiction to investigate and prosecute war crimes, crimes against humanity, and acts of genocide committed on the territories of its member states or by individuals, or whenever asked by the UN Security Council’ (Kaye 2011: 121). In sum, this 124-member ‘court of last resort’ is entrusted with prosecuting the world’s worst atrocities categorised as: ‘genocide, crimes against humanity, crimes of aggression and war crimes’ (Vaselinovic and Park 2016:1). Africa has the largest membership of 34.

By and large, the ICC’s potential to deter atrocious crimes committed by ‘anyone anywhere in the world’ against humanity and its possible role in securing global peace and justice are commendable (Kastner 2010:131). The ICC’s instant impact made it an ‘indispensable international player’ in peacebuilding (Kaye 2011: 118). Issuing warrants of arrest to five leaders of the Lord’s Resistance Army rebels on allegations of crimes against humanity and war crimes committed in Northern Uganda on October 13, 2005 was commendable, partly because the conflict was one of Africa’s longest and most brutal armed civil conflicts (Ssenyonjo 2007). The initiative boosted the ICC human rights protection image.

Therefore, the advent of the ICC as the universal ‘supreme court,’ has allegedly added new impetus to global peacebuilding endeavours (Ero and Khadiagla 2013). Equally assuring are the three ways in which cases would be brought to it:

- referral by a member state, of any crime within its jurisdiction;
- referral by the United Nations’ Security Council via the ICC’s office of the Prosecutor; or,
- at the initiation of the latter, after some meticulous homework.

The ICC has however, been hamstrung by inherent structural and legal defects such as lack of the UN Security Council's unequivocal backing and the absence of subpoena powers in respect of signatories. As a result, fourteen years later, the ICC 'is still struggling to find its footing' (Kaye 2011:118).

The UN Security Council's lukewarm backing of the ICC is a big setback to the Court's jurisdiction. The non-membership of USA, China and Russia, the three of the five UN Security Council permanent members, for whatever reasons, is conspicuous, especially at a time when Africa's call for the reform of the UN gains momentum. Arguably, USA, China, Russia and other countries have not ratified the ICC Statute for fear that they could be prosecuted for their past, present or future transgressions. China and Russia even vetoed a UN resolution to refer the brutal Syrian civil war to the ICC in May 2014. Other notable absentees are Israel and India. This lack of total and 'unequivocal backing' makes the ICC authority look inherently fragile. This is a big drawback to peacebuilding given that the effectiveness of the ICC depends on the funding and judicial cooperation of member states. This is equally important given that the ICC can only act when national courts are either 'unable' or 'unwilling' to preside over the cases (Kaye 2011:122). Burundi, the first country to announce its intention to pull out of the ICC is a case in point. Yet, in Burundi, local democratic spaces have been closed. The embattled President Nkurunziza has since April 2015, killed at least a thousand people and displaced 300,000 who opposed his unlawful third term bid (McCann 2016).

The continued absence of the USA, in particular has been described by Qualman (1999:16) as 'a very troubling fly in the ointment.' Ironically, the US signed the Rome Statute but never ratified it. America's 'cast-in-iron' demands that her service members and agents should 'never be hauled before the Court for crimes committed on official duty' exposes the ICC. Lip service support to the ICC is not an adequate resource in moulding it into a powerful 'vehicle for justice and deterrence' (Qualman 1999:17).

In sum, the ICC has been accused of allowing 'non-member states to dictate and interfere with its work to suit their own imperialist agendas' (Trochia 2016). Unity of purpose is, therefore, necessary in making the ICC permanent and capable of trying perpetrators where national courts are either unable or unwilling to deliver justice. According to Boven (2016 cited in *The Associated Press* 2016), 'It would be helpful indeed if major powers...would join and contribute to the representative character of a judicial institution that is standing for universal values of an imperative nature.'

This structural defect frustrates the victims and 'feeds into African discontent' (*The Associated Press* 2016). Peace and justice remain elusive, as perpetrators capitalise on these sustained structural defects. The ICC should learn from such mistakes and move on.

The permanent structural absence of subpoena powers in the ICC legal framework is another great threat to its effective functioning. Subpoena powers are imperative in fact-finding and rapport with witnesses. Lack of such an instrument implies that appearance is voluntary. This is problematic because the ICC has to literally beg witnesses to testify before it. Sluiter (2009:590) contends that since ‘the absence of subpoena powers even entails under the Statute, a non-derogable right for witnesses not to appear at the Court,’ both the quality of the administration of justice and the accused’s right to a fair trial are seriously jeopardised. The concern here is that when the ‘decision-maker is not directly confronted with a witness or when testimony becomes too much, the subject of negotiations,’ the quality of fact-finding gets seriously compromised (Sluiter 2009:607).

Allegations of threats to witnesses, bribery and non-state co-operation forced the ICC to drop investigations in Kenya where the President and his deputy were indicted on charges of crimes against humanity in the post-2007 election. This example reveals how inadequate the ICC may be in actually prosecuting human rights’ abuses according to its mandate. The allegations that the ICC has tended to focus on African human rights’ abuses and ignored other countries’ histories of abuse, whether America or Israel as examples, has implied that it is perceived as being biased in favour of condemning only African human rights’ abuses. This is a huge weakness in the ICC which should have a global reach.

Global cooperation is a top priority in promoting world peace and security. The international community must support the ICC’s enforcement of the international criminal law since it depends on State authorities for arresting and transferring suspects, witnesses, evidence and intelligence. As witnessed in the Omar al-Bashir case, relying on member states to arrest fugitives is problematic because there is no enforcement mechanism (Safodien 2016). This is a serious defect in the ability of the ICC to operate successfully.

Kaye (2011:122) bemoans a situation where the ICC has to prosecute ‘international crimes in countries where conflict is ongoing or against sitting heads of state...’ The task becomes difficult because it involves violation of the principle of non-interference in sovereign states. As mentioned previously, the Ugandan case study deserves mention. Upon President Museveni’s request, the ICC issued warrants of arrest to the LRA rebel leadership on October 13, 2005. Although this was ostensibly a sign of the ICC’s ability to succeed, regrettably, before the warrants were executed, Museveni withdrew the request and granted the rebels a ‘total amnesty’ in July 2006 (Ssenyonjo 2007:686). The outcome did not only damage the image of the ICC, but also failed to abate the Ugandan hostilities. Interestingly, Museveni has since dismissed the ICC as ‘useless’ and is agitating for mass African exodus from the court (Safodien 2016:2).

2.10 ICC-African relations: Is Africa unfairly targeted?

As mentioned previously, the ICC has been criticised, mainly by African States, as ‘a Western institution that can only offer one type of selective and retributive justice’ (Kastner 2010:131-132). African leaders complain that at least 30 Western countries have committed crimes that warrant ICC prosecution, including crimes committed against African refugees and immigrants (Bojang 2016 cited in *Reuters* 2016). The former British Prime Minister, Blair, has been singled out as an ICC candidate due to his direct involvement in the Iraq atrocities. It seems obvious that a certain level of hypocrisy abounds if, of the 10 full-scale human rights violations investigations underway, 9 have been in Africa and only one in the former Soviet Republic of Georgia. The Court has indicted 39 Africans since 2005. The ICC has so far convicted only four perpetrators of war crimes and crimes against humanity. One is from Mali and three from Congo (*The Associated Press* 2016). This alleged bias has seriously compromised the ICC’s legitimacy. Kastner (2010:132) recalls that, ‘...since the issuance of an arrest warrant against Sudanese President, Omar Al-Bashir, in March 2009, the ICC has increasingly been perceived as a court for Africa.’ The African Union has embraced this perception as evidenced by its Commissioner Jean Peang’s remark that, ‘...there is a problem with the ICC targeting only Africans...’ (Kastner (2010:132). The victimhood card has regrettably become the African leadership’s anti-ICC compliance trump card, yet most human rights violations in Africa have been referred to the ICC by Africans (Kaba 2016 cited in *News24* 2016). In fact, Africa and the UNSC have referred six and two cases respectively to the ICC.

Rwanda’s liberator-turned-dictator, President Kagame’s denigration of the ICC as part of neo-colonialism, seems to be an argument that is gaining credibility amongst the African leaders (*Diplomat News Network* 2015). The AU’s official position on the ICC has been confirmed by its former Chairperson, President Mugabe’s remarks that Africans are ‘... duly concerned about the activities of the International Court which seems to exist only for alleged offenders...the majority of them Africans....’ (Eppel 2013:216).

The possible mass exodus by the 34 African member-states to the ICC can be explained partly in terms of the ICC’s perceived bias against Africans and partly as Africans’ effort to cover up their ‘lamentable human rights record’ (Ofeibea 2016 cited in Hersher 2016). African states have, both as individuals and as the AU raised the ‘undue victimisation’ concerns by the ICC which they have labelled ‘an International Caucasian Court for the persecution of people of colour, especially Africans’ (Hersher 2016).

The AU’s unspecified strategy to collectively withdraw from the ICC in the wake of Burundi, South Africa, Kenya, Namibia and Gambia’s threats to leave the ICC in 2016 is regrettable (*Reuters* 2017).

The threats can trigger far-reaching effects on the ICC and global security. Fatou Bensouda the reigning ICC Chief Prosecutor and former Gambian justice minister, has, however, dismissed the withdrawal threats as mere gunboat diplomacy (*Reuters* 2017). The new political dispensation in Gambia has reversed the threats while the ANC's notice of South Africa's intention has been nullified by the South African High Court.

It is easy to blame the withdrawal motives as part of the 'big brother syndrome,' which sees no evil, hears no evil and speaks no evil against a fellow African leader. The embattled Sudanese President Al-Bashir's controversial attendance and unceremonious exit from the 25th AU Ordinary Summit in Pretoria in 2015 is a case in point. The governing ANC's noncompliance on the basis of safeguarding its Diplomatic Immunities and Privileges Act demonstrates the claim that African leaders and the civil society organisations may agree on the need for accountability, but differ significantly on methodologies to achieve it (Wielenga 2015).

The AU's solidarity with Al-Bashir indicted for war crimes, crimes against humanity and genocide in Darfur is indeed a big drawback in the pursuit of peace and justice (Masombuka and Savides 2015:1-2). The AU position that Al-Bashir, the first person to be charged for genocide by the ICC, is 'innocent' after allegedly killing 300 000 and displacing 2, 5 million in Sudan since 2003 is disturbing (UN). Justice should be sought regardless of the fact that many nations are guilty of human rights' abuses elsewhere.

The AU-ICC row has ostensibly dampened the prospects of constitutionalism and the rule of law in Africa. President Zuma's double standards of unilaterally guaranteeing immunity to Al-Bashir coupled with Mugabe's (then AU Chair) indefensible claim that, '... we don't subject ourselves to justice outside our borders' has been condemned by Amnesty International as a shocking failure to abide by our own courts' order and 'a betrayal of the victims of the Darfur conflict' (Evans and du Plessis 2015).

Mugabe's call for the formation of Africa's 'own ICC' (Share 2015), mandated to prosecute global human rights' violation cases backdating to the colonial era can be viewed as an alibi to embolden the AU's threats to pull out of the ICC and the UN. He has his own fears; his long reign has allegedly been tainted with gross human rights abuses ranging from the *Gukurahundi* Massacres to systematic political violence (Tshuma 2015). These gross human rights violations warrant ICC indictment. In fact, the same African leaders calling for a wholesale ICC and UN pull out in favour of an African Court are also non-members of the SADC tribunal established in Burkina Faso in 1998. To date, 40 out of 54 AU member states including Zimbabwe are yet to ratify this hyped tribunal.

2.11 The ICC and the way forward

The relevance of the ICC is unquestionable, for ‘Today more than ever, there is a huge need for universal justice’ (Kaba 2016 cited *News24* 2016). In fact, ‘If the world is to become a fairer, more compassionate, tolerant and peaceful place, it needs institutions such as the International Criminal Court to hold those who abuse power to account’ (Desmond and Leah Tutu Legacy Foundation 2015). Powerful nations may have erred by creating a precedence that contempt of the ICC is an option, but this cannot license human rights’ violations and impunity. An equitable and functioning ICC can never be achieved by joining or emulating its prime violators, but by abiding by its cause and objectives. Withdrawing from ‘the court of last resort’ is a big drawback. Without credible domestic structures to safeguard constitutionalism and the rule of law, the ICC remains the last line of defence. Dialogue must therefore, be given a chance; the UN must engage all ICC stakeholders and work on its inherent defects. I contend that since withdrawal would put premium on impunity, the AU must push for the ICC reform.

An examination of the ICC-African relations can necessitate reforms for the common good (Sharf 2016 cited in *The Associated Press* 2016). Africa’s wholesale ICC withdrawal will certainly threaten global peace. Withdrawal poses a threat to one of the greatest achievements in pursuit of justice and peace, at a time when genocide, crimes against humanity, war crimes and impunity have become so highly probable (*The Associated Press* 2016). Despite its defects, the ICC is currently the better alternative. Appendix 3 shows the ICC indictees since 2005.

2.12 Summary

The evolution of transitional justice processes is ongoing. This is evidenced by the emergence of diverse transitional justice methodologies such as judicial and non-judicial trials. The main objective of transitional justice processes is to face legacies of abuse in a broad and holistic manner. These encompass retributive, restorative, social, and economic justice. This chapter traces the origins, evolution, applicability and contestations around the concept. The next chapter will focus on the different forms of justice in the transitional justice processes.

Chapter 3: Forms of justice: revenge, retributive and restorative: theory and practice

3.0 Introduction

There are times in history when ‘making peace’ and ‘doing justice’ seem almost impossible in the face of horrendous events. Those responses are understandably human. But it is in times just like these when humanity can - and must - rise to its possibilities and to its higher purposes in order to continue considering itself just and humane (Biggar 2001).

As noted in the previous chapter, the contested transitional justice concept has been shaped by post-conflict societies’ imminent need to deal with the legacy of massive human rights violations (Kritz 2001). Every conflicted or post-conflict human society is therefore expected to deliberately deal with human rights’ violations. The ultimate goal is to seek accountability, in order to prevent recurrence, investigate the violations, and identify perpetrators and victims. This informs appropriate action such as fostering individual and community healing and reconciliation (Mendez 1997). The chapter explores the different and controversial forms of justice, namely: revenge, retributive and restorative.

3.1 Striking a balance between revenge, retributive and restorative justice: the debate

A variety of transitional justice options have to be considered to achieve the desired peace and justice (Kritz 2001:808). Transitional justice options have to contend with a balance between revenge, retributive and restorative justice models. As noted by Du Plessis and Ford (2008:3), ‘a central factor in the transitional justice debate is the importance of balancing the need for restorative justice with solemn principles pointing to criminal trials and retributive justice.’

Notwithstanding the fact that the controversial concept of justice has long assumed universal recognition, contemporary ‘policy makers and practitioners do not possess ... a conceptual and philosophical understanding of the dimensions and scope of justice to ground their task of restoring justice to the ground’ (Mani 2002:4). As affirmed by the 1992 Nobel Peace Laureate, Rigoberta Menchu from Guatemala, ‘Peace without justice is only a symbolic peace’ (cited in Mani 2002:4). Justice, as noted by Annan (2016 cited in Olick 2016), ‘...is not an impediment to peace – it is an essential partner.’ In fact, no society can build legitimate and sustainable ‘institutions grounded in the rule of law if latent conflicts and bitterness of the past are not addressed.’

Indeed, Zimbabwe itself faces the challenge of choosing between revenge, retributive or restorative justice, to deal with the prevalent culture of violence and impunity (Zehr 2001:330). In addition, reparative justice has also been suggested (Bennett 2010:121). Mani (2002) identifies three dimensions of justice namely: legal justice or the rule of law, rectificatory justice and distributive justice. Using examples from Africa, Asia, Latin America and Eastern Europe, Mani advocates an integrated approach

to post-conflict justice. This advocacy has received universal support because, ‘...when we abandon justice to secure peace, we are most likely to get neither’ (Annan 2016 cited in Olick 2016). Disregard of justice and accountability by the State can be viewed as synonymous with legitimising violence and impunity.

The prosecution of perpetrators, public acknowledgement and cessation of the violations are key to achieving peace and justice. Public trials have, however, been criticised as mere window-dressing, with the potential to ‘inflamm passions rather than calm them’ (Kritz 2001:808). The claim that ‘the best way to rebuild and reconcile the nation is to leave the past behind by forgiving and forgetting the sins of all parties to the conflict’ (Kritz 2001:808) has been challenged on the basis that an ugly past cannot be redeemed by simply wishing it away. No natural phenomenon can whitewash the evils of the past, for all things pass except the past (Huyse 2008). Therefore, ‘the passage of time does not heal all the wounds or even any wound at all’ (CPIA 2005). Grievances associated with unacknowledged, unforgiven and hence unhealed wounds can be passed on from one generation to the other (Montville 1993).

Such wounds create ‘a widening gap of fear, entrenchment and hatred, which in turn increases the likelihood of further violent conflict...’ (Mukonori 2012:71). There is a dire need to accurately ‘close the ledger book of the past’ by ending the divisive cycle of accusation, denial and counter accusations (Montville 1998 cited in CPIA 2005:45). The problem is, ‘If fear and human security are burdens of the past, then these create obstacles to the envisioned goal of reconciliation, national healing, social cohesion and nation building’ (Machakanja 2010:15). Unacknowledged wounds keep memories of violations fresh and become an integral part of the victims’ identity (Heal Zimbabwe Trust 2015 cited in *New Zimbabwe* 2015).

Ideally, the context of the conflict should determine the form of justice to apply. It is imperative to address both causes and effects of injustices in any conflicted society, but the challenge is to find the appropriate form of justice that can facilitate a peaceful transition (International Crisis Group 2008:2). This research will explore revenge justice in comparison to Christian forgiveness, together with retributive and restorative justice, as applicable to the Zimbabwean case study.

3.2 Revenge justice and Christian ethics

The Old and New Testaments of the Holy Bible show that controversy surrounds the argument for revenge justice. Exodus 21: 23-25 demands an ‘eye for eye’ and ‘tooth for tooth’ (New International Version (NIV) 1973:54). Contrarily, in Matthew 5: 38-39, Jesus teaches about forgiveness of sins, ‘You

have heard that it was said, 'An eye for an eye, and a tooth for a tooth.' But now I tell you: do not take revenge on someone who wrongs you' (NIV 1973: 672).

To highlight the conflicting biblical scenarios (Old Testament versus New Testament), the book of Exodus gives justification and moral grounds for revenge, while the Gospel of St. Matthew gives an alternative moral vision and rationality for not engaging in revenge. The two verses show a paradigm shift from retributive justice, which demands full repayment of an evil act or injury incurred by inflicting the same amount of harm on the perpetrator, to unconditional forgiveness of sins.¹

The ongoing Syrian war can be used as an example. Russia - a permanent member of the UN Security Council's- response to the bombing of her passenger airbus jet by suspected Islamic terrorists is a case in point. President Putin's pledge to hunt down and punish Islamic suspects in the bombing and killing of all 224 civilians on board on October 31, 2015, is a typical example of vengeance. Putin's pledge to '...search for them anywhere they might hide.... and punish them' (Berry 2015) shows his determination for revenge. His intention to wipe them out is evidenced by the whopping \$50-million (47 million-euro) prize offer for information leading to the capture of the suspects (Berry 2015). Putin's public vow that, 'To forgive the terrorists is up to God, but to send them to see God is my duty' (*Reuters* 2015) underlines his retributive strategy. Certainly, perpetrators must account for their actions, but Putin's threats to 'hunt down those responsible and show them no mercy' (Harris 2015) is tantamount to naming and shaming. Responding to violence with more violence has, however, been argued to contribute to fueling, rather than abating violence. Harris (2015) argues that, 'the problem is that violent responses largely do not work and in fact are likely to encourage more violence.'

Russia, under Putin, justifies its counter-insurgency on the basis of Article 51 of the UN which gives each member state the right to self-defence in the event of such an armed attack. Regrettably, the same clause allows the offended nation to 'act as it deems necessary in order to maintain or restore international peace and security' (UN Charter Article 51). This research argues that there are better alternatives to the 'quick fix' approach.

However, this thesis prefers an alternative model. Einstein (1960) argues that violent responses to violence keep the cycle of violence going, which can lead even to insanity. He believes that, 'Weak people revenge, strong people forgive and intelligent people ignore.' Peacebuilders should, therefore, use different approaches in order to get different outcomes. Nonviolent options should be prioritised.

¹ Unlike Putin who subscribes to retributive justice, it is the latter New Testament version of justice which I as a modern Christian ascribe to and it is this version of justice which I would find applicable to Zimbabwe.

Interestingly, in their studies of over 300 violent and nonviolent campaigns between 1900 and 2006, including those against apartheid, Stephan and Chenoweth (2008) established that nonviolent campaigns were more than twice as effective as violent counter-insurgency.

Indeed, combined case studies and statistical analysis from Iran, the Philippines, Burma and the Palestinian territories by Stephan and Chenoweth (2008) conclude that nonviolent campaigns draw larger committed participants. Mass participation is not a mere game of numbers, but energises the resilience, broadens tactical alternatives and lures the fraternity of the regime's sympathisers, including security forces. The study also established that the outcomes of nonviolent campaigns produce enduring democracies.

The merits of peace by peaceful means seem to discount vengeance as being counterproductive. In his much quoted critique on revenge and retribution Gandhi (1958) reaffirms that since violence begets violence, 'an eye for an eye (and a tooth for a tooth) will only make the whole world blind' (and toothless). Indeed, South Africa's transition from apartheid to democracy in 1994 is often attributed, inter-alia, to the forgiveness policies of key transformative leaders, notably Mandela, De Klerk and Archbishop Tutu. Mandela's forgiveness was truly authentic because he pronounced it even before the perpetrators had acknowledged their wrong doing (Govier 2002: viii).

Ironically, due to his incredible propensity for forgiveness - which became the 'Rainbow Nation's' proverbial cornerstone, Mandela has been criticised by fellow counterparts. For instance, Mugabe describes Mandela and his policy of reconciliation as too soft on Whites. 'Mandela has gone a bit too far in doing good to the non-black communities, really in some cases at the expense of (blacks). That's being too saintly, too good, too much of a saint' (Myburgh 2013:1). Mandela's legacy, affectionately known as 'the Madiba Magic' will be reflected upon below.

Tutu, the Chair of South Africa's Truth and Reconciliation Commission spells out his forgiveness and reconciliation frameworks in his books, *No Future Without Forgiveness* (1999) and *The Book of Forgiving: The Fourfold Path for Healing Ourselves and Our World* (2015). Tutu contends that forgiveness and reconciliation do not mean forgetting, but a 'gain through pain' in the sense that through forgiveness, victims liberate themselves by abandoning their right to vengeance. He argues that:

In forgiving, people are not being asked to forget. On the contrary, it is important to remember, so that we should not let atrocities happen again. Forgiving does not mean condoning what has been done. It means taking what has happened seriously and not minimising it; drawing out the sting in the memory that threatens to poison our entire existence. It involves trying to understand the perpetrators and so have sympathy, to try to stand in their shoes, and to appreciate the sort of pressures and influences that might have brought them to what they did (Tutu 1999:129).

Graham (2014) hails Tutu's forgiveness thesis for encouraging conflicted societies to have 'another chance to make a new beginning.' Therefore, Tutu was instrumental in convincing the victims of apartheid that the 'Rainbow Nation' will have no future if they allow the wrongs of the past to remain an albatross around their necks. He renounced revenge as 'atavistic, the law of the jungle' (cited in Govier 2002:2).

Notwithstanding the criticism that he was not himself a primary victim of apartheid, and hence unsuitable to forgive on behalf of the nation, Tutu (2015) identifies four hard steps to healing. These are: admission and acknowledgement of wrongdoing; personal testimonies; perpetrator-victim forgiveness and; renewal of relationships. Tutu's forgiveness thesis coincides with Lederach's reconciliation concepts of acknowledgement of wrong doing, accountability for these wrongs and their forgiveness. The Tutu's forgiveness thesis is certainly shaped by their Christian faith which advises that it is God's prerogative to administer vengeance, in order to restore justice to the world.

Acknowledgement involves accepting that wrong-doing did take place. The truth of what happened must be recovered from both the perceived perpetrators and the victims. The encounter facilitates dialogue, evaluation and understanding of both circumstances and players involved. An evaluation of the conflict dynamics such as causes, damage assessment, recovery strategies and preventive mechanisms becomes possible after acknowledgement of the past wrongs. Only then, can real healing and reconciliation begin (Asmal *et al.* 1997).

Acknowledgement of past wrongs should be followed by contrition and repentance. Perpetrators must show deep and sincere remorse and guilt. It makes a lot of sense if the perpetrator takes the initiative and directly asks for forgiveness from the victims who in turn should determine the legitimacy and sincerity of their apologies (CPIA 2005).

Remorse is, therefore, a human trait that manifests as a combination of sorrow and guilt (Reddy 2006:350). Remorse should, therefore, involve confession and accepting responsibility and accountability, so that the apology and forgiveness become valid (Tudor 2001 cited in Reddy 2006). Apology is not an automatic panacea to conflict transformation, but empowers the victims to 'confidently censure the offending behaviour' (Reddy 2006). Moreover, apology, especially from those in positions of influence, becomes 'an expression of mental courage that demonstrates not only contrition but also a shared understanding by former opponents' (Rees 2003 cited in Reddy 2006).

Issues of compensation, restitution and rehabilitation also determine the perpetrators' sincerity. Kritz (2001:813) advises that 'notwithstanding the competing demands for limited resources, which is always an aspect of a war-torn economy, issues of compensation and rehabilitation of victims should be

incorporated into most plans for post-conflict reconstruction.’ This is in tandem with the growing consensus in international law that a State which preys on its own citizens is obliged to ‘bring the dead out of silence’ by memorialising them and compensating survivors.’ Painful as it is, truth must be sought and responsibilities acknowledged in order to facilitate the working out of compensation and mending of relations. The term compensation, as shall be noted in chapter 7, can be synonymous with restitution, atonement, damages and remedies (Weitekamp 1999).

Kritz identifies three functions of compensation in national healing, reconciliation and reintegration processes. These are:

- Compensation aids the victims to cope with their material losses;
- Compensation can be synonymous with ‘an official acknowledgement’ by the government of the humiliation and pain suffered, and
- The costs involved in compensation should deter the government from future repressions.

Compensation ranging from restitution, rehabilitation, capacity-building and gratuities should be part of a holistic framework designed to heal the legacy of a bad past. Compensation is important as it acknowledges the victim’s humanity and dignity. However, if imposed or made in monetary form, the symbolic gesture assumes a ‘trade-off’ value in which forgiveness and reconciliation are for sale. In sum, compensation must not be commodified or commercialised in order to safeguard the symbolic gesture from abuse; human suffering cannot be measured in monetary terms.

Therefore, if acknowledgement and contrition are successfully engaged in, forgiveness becomes possible. Both the perpetrator and the victim will begin to feel for each other and to find common ground and a shared future (Montville 1998). The process, as underlined by Lederach (1997) is not a stroll in the park, but, through determination, it can transform erstwhile fragile relationships ‘beyond a cycle of revenge and retaliation to something more positive’ (CPIA 2005).

Closely linked to forgiveness is mercy. Murphy (1988 cited in Reddy 2006) defines mercy as ‘cogently treating a wrong doer less harshly than one otherwise would.’ This means that, as a voluntary and not a mandated gift, mercy should be viewed as benevolence from the offended.

The irony of Zimbabwe’s top-down forgiveness approach is worth mentioning. In a typical ‘crying more than the bereaved’ show, the Head of State’s calls for national security, healing and reconciliation without stopping violence in all its forms has been interpreted as a code word for more impunity (Zyl 2011). By prevailing upon victims to quietly relinquish what is owed to them by his Government, Mugabe exacerbates injustice and disempowers the populace through his institutionalised violence. Interestingly however, victims who do not seek direct revenge cannot automatically be said to have

forgotten and forgiven. They may, as noted by Govier (2002: vii-viii) ‘respond with a variety of attitudes, including the quest for various forms of legal justice and redress.’

Turning aside from Zimbabwe itself, it is worth noting that an exploration of the causes of WWII shows directly that the Versailles Treaty, and the inability to forgive but rather to punish Germany for its transgressions, led directly to another war. Many lessons can be learnt from this great historical failing.

In as much as the WWI victors appear irrational, it can be argued that their passion for revenge was motivated by long-standing German aggression. This justifies revenge as a deliberately planned response to ‘undeserved harm and feelings of injustice’ (Tripp and Bies 1997 cited in Bies and Tripp (2001:198).

The desire to ‘get one’s own back’ or ‘get even’ can be motivated by rage and resentment caused by the suffering endured. It can be inferred that the ‘Big Three’ in general and France in particular sought revenge as a way to redeem themselves from injury and humiliation. Revenge would, in the process, restore national French pride and prevent future German aggression. Govier (2002:2) contends that revenge is sought in order to ‘get satisfaction by attempting to harm the other (or associated persons) as a retaliatory measure.’ This means French efforts to permanently weaken Germany both militarily and economically would make them feel secure. The severity of French demands shows the differences between punishment and revenge. By playing the victimhood card, which backdated to 1871, the Third French Republic (1870-1940) wanted to justify demands for revenge against Germany. Repairing what the Germans had taken or destroyed and non-recurrence assurance was France’s idea of reparation (Sharpe 2007:24). The French considered vengeance as a redress of deep-seated injustices.

Taking advantage of hindsight, the punishment neither crippled nor rehabilitated Germany. Moreover, retribution neither worked as a deterrent measure nor guaranteed French security. Both the vindictive Allied Powers and the losing Central Powers emerged losers.

Notwithstanding the notion that vengeance is destructive and anti-restorative, there are surprisingly some philosophers who condone it as a necessary evil. Murphy, Jacoby and Solomon (cited in Govier 2002) justify the moral worthiness of revenge. Murphy regards revenge as a legitimate right of victims premised on the ‘retributive theory that punishment is justified because it gives to wrongdoers the suffering or hard treatment that they deserve’ (cited in Govier 2002: 3-4). Like Murphy, Jacoby calls for the impartial regulation of ‘revenge justice’ as a natural and legitimate ‘vindictive impulse’ (cited in Govier 2002:4). She dismisses Jesus’ Sermon on the Mount (which implores victims to love their persecutors) as a good moral lesson, but practically impossible (cited in Govier 2002:4).

Solomon, a Methodist Bishop concurs that revenge seeks ‘to defend not only the human desire for vengeance but other ‘negative’ emotions such as resentment and anger’ (cited in Govier 2002: 4). He contends that the anger, resentment and desire for revenge against injustice teach us that the world is so unjust and unpredictable that we need to act accordingly (cited in Govier 2002: 4). In his view, ‘justice begins not with Socratic insights but with the promptings of some basic emotions: among them envy, jealousy, and resentment, a sense of being personally cheated or neglected, and the desire to get even’ (cited Govier 2002:4). He believes that justice cannot be separated from personal emotions such as compassion and revenge.

On the contrary, Govier (cited in Rigby 2013) warns that, ‘acts of revenge are far more likely to provoke more hatred and violence than to deter it.’

But, if retaliation is not the way to deal with wrong-doing, what then is the appropriate response? No single action can be prescribed, hence Govier’s advice that ‘a necessary dimension to any sustainable process of peace-building is a constructive approach to the legacy of past wrongs’ (cited in Rigby 2013). But, even Barton (1999) who challenges the notion that revenge is always wrong seems to be walking a tight rope or sitting on the fence on whether it is right or wrong. He maintains that ‘like any other form of punishment, revenge can be both just and unjust.’ Govier’s exploration of the perpetration and effects of violence at both micro and macro levels enables her to address issues relating to processes of mutual forgiveness and acknowledgement of past wrongs (Rigby 2013). Using the Mandela and Tutu examples, Govier also makes a convincing argument that groups can collectively forgive since groups can either be perpetrators or victims. Similarly, in *Changing Lenses*, Zehr (2005) proclaims God’s mercy amidst the brokenness of human societies. Zehr’s advocacy for new ways of dealing with both the violated and the violators should be hailed for convincingly demonstrating that ‘biblical mercy is not an absurd idea but can be practically applied in our criminal justice system....’

3.3 Retributive justice

Retributive justice is legal or criminal justice centred heavily on establishing blameworthiness and responsibility, hence dwelling primarily in the past rather than in the future (Zehr 2001). Retributive justice implies criminalising and punishing the perpetrator. Prosecutions serve several purposes. They can provide victims with a sense of justice and appeasement, and they can deter would-be perpetrators (Kritz 2001:808-9). The approach, therefore, aims to halt the prevalence of human rights’ abuses by investigating past crimes, identifying perpetrators and imposing (where necessary) sanctions on the offenders (Mendez 1997).

In principle, retributive justice appeases the victims and promotes human rights and the rule of law. Courts provide a legal platform where disputes can be settled non-violently and impartially. Individual accountability, as opposed to collective accountability averts ‘the dangerous culture of collective guilt and retribution that too often produces further cycles of resentment and violence’ (Kritz 2001:809).

Drawing on examples from Nazi Germany, Cambodia, Rwanda and the former Yugoslavia, Kritz (2001:809) poses three inter-related questions to be asked when prosecutions are undertaken:

- How wide should the net be cast in imposing sanctions on perpetrators?
- How high up the command ladder should superiors be responsible for their subordinates’ wrong doing? and,
- How far down the command ladder should subordinates be held liable for perpetrating violence under instruction?

There is a growing consensus that for gross human rights’ violations, unconditional amnesty should not be granted (Orentlicher 1991 cited in Kritz 2001: 809). It is not possible to prosecute every individual implicated in human rights’ violations. Kritz (2001:809) recommends that in such cases, ‘a symbolic or representative number of prosecutions of those culpable may satisfy international obligations, especially if an overly extensive trial program would threaten the stability of the country.’ Perpetrators of gross human rights’ abuse are not spared from the effects of their actions. Fanon (1963) the psychiatrist who treated wounded soldiers during the Algerian War, (1954-62) concluded that violence affects an ‘individual’s psyche.’ This implies that in the long run, perpetrators can be victims of their own misdemeanour. Signs of ‘reactional disorders’ suffered by the perpetrator can be ‘visible to the naked eye’ and ‘the future of such patients is mortgaged’ (Fanon 1963:252-3). In other words Perpetrators of violence and human rights abuse are themselves psychologically damaged by their actions; they may be traumatised and weakened psychologically.

In his 2002 World Day of Peace Papal message, Pope John Paul II (cited in Bennett 2010:126) underlined that forgiveness demands great strength and courage:

Forgiveness always involves an apparent short-term loss for a real long-term gain. Violence is the exact opposite; opting for a short-term gain, involves a real and permanent loss. Forgiveness may seem like a weakness, but it demands great physical strength and moral courage, both granting it and accepting it. It may seem to diminish us, but in fact it leads us to fuller, richer humanity.

Bennett (2006:83-84) testifies that:

The inner struggle of the heart, the acknowledgement by others of my pain, the prayerful desire for wholeness, the offer of forgiveness, are all part of a healing process. When my heart is being healed I can begin to see those who hurt me in a new way and choose to forgive them. The grace

of forgiveness slowly comes and whole communities not just individuals, become open to each other in the interaction and exchange involved in the process of healing.

Equally important is the judiciary system of every community. The impartiality of the courts enhances the credibility of governments and commitment to adhere to international obligations. Kritz (2001) and Mani (2002) concur that if the rule of law is sincerely observed, good governance, (which according to the UNDP (1997) entails legitimacy and voice, direction, performance, accountability and transparency), fairness and justice becomes possible (Graham 2003). The context portrayed here safeguards basic personal freedoms and human dignity and promotes constitutionalism and separation of powers. Sadly, in practice, impunity reigns supreme especially in Africa (Ayittey 1999).

Punishment of wrongdoing as called upon by the ICC will thus remain a requirement in the contemporary world, but the approach has been discredited for its inherent weaknesses. Mani (2002:4) criticises peacebuilders for perceiving the rule of law ‘mechanistically, as a way to establish order in post-conflict circumstances rather than as a means to achieve justice.’ It is also noteworthy that efforts by the ICC to aid in upholding the rule of law has been hampered by ‘the neglect of political aspects in favour of technical concerns and the adoption of one-size-fits-all ‘programmatic minimalism’ approaches (Mani 2002). ‘Programmatic minimalism’ means that there is emphasis on institutional mechanics at the expense of the ethics of the rule of law (Mani 2002:4).

Equally hypocritical is the fact that there have been spirited calls for professionalism and institutional, especially military and judiciary reforms, but very little or no action aimed at empowering both the perpetrators and the victims through inclusive participation in healing and reconciliation processes. The consequence, as noted in post-independence Zimbabwe is that there has been ‘transitional justice without transition’ (Bamu 2008). Therefore, Zimbabwe has been mired in transition since independence in 1980 (Masunungure and Shumba 2012). The word ‘reconciliation’ has become a code word for impunity in Zimbabwe (Zyl 2011). Huyse (2003:39) warns that, ‘a stable democracy in Zimbabwe will remain a distant dream as long as the sad legacy of violence ...is not dealt with in a genuine and thorough process of reconciliation.’ This advice confirms the claim by Tekere, a confidant-turned nemesis of Mugabe that ‘Zimbabwe’s democracy is in the intensive care unit’ (Banana 1989). Some critics also describe Zimbabwe’s independence as ‘mortgaged citizenship’ (Matereke 2012).

The punitive, conflictual, impersonal and State-centred nature of the retributive justice denies offenders the opportunity to account and acknowledge wrongdoing, and empathise with victims. Zehr (2001:330) contends that retributive justice encourages rather than discourages wrongdoing in that it often assumes that justice and healing are separate or even incompatible. The retributive approach may also stall

transitional justice, as perpetrators may feel unsafe. There is need to convince the perpetrators that it is safe to cooperate so that they do not worsen the situation.

Invariably, retributive justice takes a top-down approach, mainly because those in positions of power and influence have the prerogative to guide peacebuilding efforts (Harris 2014). The top-bottom approaches are usually exclusive because they are informed by reports based on fieldwork study or inference. Harris (2014) bemoans that, while good reports may influence policy thinking, sometimes belated, they are hailed as a panacea to the problem, but fall short on implementation. Benoit and Harris (2017) argue that retributive justice compromises healing and forgiveness processes since no formal environment is availed to allow the victim to forgive the offender. Moreover, if convicted, the latter gets punished, but without rehabilitation and repentance, a cycle of conflicts may ensue, as the deep-seated grievances fester. Chapter 6 explores examples of top-down peacebuilding approaches in post-colonial Zimbabwe.

Coming to terms with past injustices is important in identifying the root causes and informing the intervention processes. Machakanja (2010:2) bemoans that, ‘often leaders fail to recognise that in order for people to come to terms with a traumatic past, a process of acknowledgement, forgiveness, reconciliation and healing is required as stepping stones that lead to the building of a viable and legitimate democracy.’ Even the UN tenets of the international human rights law obligate States to investigate and prosecute alleged perpetrators of gross violations of human rights and serious violations (2014:5). Zimbabwe is in dire need of such processes.

The assessment shows that retributive justice is not entirely negative. It can be used as a ‘bridge from a past where such justice was openly denied, and a present where it is not yet practically and politically possible, to a future where, hopefully, it can become an integral part of the social and political order’ (CPIA 2005).

3.4 Restorative justice

‘What exactly does restorative justice mean?’ (Benoit and Harris 2017). Restorative justice is the most contested transitional justice concept. While its ultimate goal is a better post-conflict outcome, the processes are diverse. This research has chosen the view that, ‘it is a distinctive set of values that focus on co-operative and respectful resolution of conflict, a resolution that is reparative in nature’ (Zehr 2001:330 cited in Johnstone and Van Ness 2007:19). Restorative justice can be regarded as a way of life since it is basically about cherished human values, ethics and morals. Zehr (2002 cited in David Works 2013) argues that:

When a wrong has been done, it needs to be named and acknowledged. Those who have been harmed need to be able to grieve their losses, to be able to tell their stories, to have their questions answered – that is, to have the harms and needs caused by the offense answered. They-and we-need to have those who have done wrong accept their responsibility and take steps to repair the harm to the extent it is possible.

This means ‘restorative justice models are grounded in the precept that when a crime is committed, it represents a violation against both the victim and the community (Woolf 2011:1). Restorative justice is, therefore, an inclusive process that enables disputants to engage in a dialogue and endeavour to ‘collectively identify and address harms, needs and obligations, in order to heal and put things right as possible’ (Zehr 2002:37). Therefore, restorative justice processes have the potential to ensure sincere accountability and healing within communities, thereby paving the way for peaceful and harmonious neighbourhoods. Adherence to accountability encourages ‘offenders to develop understanding of their offence and empathy for the victim, and then take active steps to right the wrong, symbolically or practically’ (Sawin and Zehr 2007:45).

Drawing from Zehr, Vaandering (cited in David Works 2013) argues that what is needed in restorative justice is a concerted effort to remind us all of the following:

- Justice is a call to recognise that all humans are worthy and to be honoured;
- Injustice occurs when people are objectified;
- The term restorative justice becomes meaningful when it refers to restoring people to being honoured as human.

This reminder teaches us that victimisation of people is a problem that calls upon stakeholders to engage in processes whose outcome should be future oriented. This is achievable if, both the violated and the violators mutually agree to dialogue regarding their needs and obligations (Zehr 2001). The victim-perpetrator collaboration in mapping the needs and obligations motivates empathy and responsibility, thereby broadening their problem-solving options. The ultimate result is likely to be a victim-perpetrator-win-win outcome as the harm by the latter is balanced by making it right (Zehr 2001).

Stauffer (2013:10), a restorative justice expert at Eastern Mennonite University, aptly explains the nexus between restorative justice and healing as follows:

Restorative justice processes provide a cohesive, alternative system of justice that allows people to deal with the past without violence ...remembering without revenge.... A well-facilitated restorative justice process will open up healthy communication channels and nurture stronger relational attachments which in turn builds trust and increased social capital. These are all recipes for containing cycles of violent retribution and opening up the possibilities of a collective undertaking to re-write historical narratives and reconstruct preferred realities of how a society wants to live together. This form of social ‘meaning-making’ that occurs in restorative justice is foundational to the healing path.

Therefore, the prime focus of restorative justice models is not to punish perpetrators, but to mend the broken perpetrator-victim relations so that they can live together in a 'restored community' (Bennett 2010:122). Recognising both the perpetrators and the victims as prime stakeholders in the conflict makes it possible to appreciate Lederach's advocacy to repair bruised relations through inclusive engagement and dialogue. This 'encounter' brings together the perpetrator and the victim, thereby enabling them to understand each other more. Through engagement, perpetrators' guilty conscience and responsibility for past actions may be invoked and victims may also discover that their tormentors, hitherto 'immortalised,' are also fallible mortals seeking redemption. In short, restorative justice strategies prioritises the rights and needs of victims and motivates offenders to empathise with the victims and to understand the damage caused, in order to acknowledge and take responsibility for the damage. Focus should be on 'alternative values more than alternative punishments' (Zehr 2001:331). This means looking at justice through different lenses.

As discussed previously, history teaches us important lessons. The Versailles Settlement of WWI can be used to show the importance of restorative justice in a post-conflict situation. If the defeated powers (perceived perpetrators), the victors (self-styled victims) and neutral powers ('mediators') had met and negotiated the peace settlement, the outcome would have been very different. The engagement would have given the self-styled victims, the French in particular, a chance to express their deep-seated grievances. The negotiations would have also afforded the perceived offenders, the Germans in particular a chance to empathise with their victims, especially the French. The victor-loser or victim-perpetrator rapport could have been cultivated through truth-telling, acknowledgement of wrong doing, reparations, forgiveness, justice and mercy. Lederach's 'meeting place' comes to mind as well as the idea that the Germans would not have disowned the settlement as a 'diktat' if they were part of the process. Arguably, it can be seen that the Nuremburg Trials of 1945 drew a lot of lessons from these mistakes of the Versailles peacemakers. Such lessons include restorative justice through inclusive participation.

Stauffer (2013) also contends that restorative justice processes enable psycho-social trauma healing to go forward by providing a 'safe-space' for 'all the parties affected by violence to speak and be given a voice which is a critical component of healing.' This framework is premised on collective truth-recovery as in the case of the South African TRC. The TRC was not entirely restorative in nature but, 'provided space for this kind of national healing to begin' (Stauffer 2013). Therefore, restorative justice entails healing and reconciliation through truth telling, justice, empowerment, forgiveness, apology and mercy (Lederach 1997; Reddy 2006).

According to David Works (2013) restorative justice calls one to:

- focus on the harms and consequent needs of both the victims and the perpetrators and the community at large;
- address the obligations that result from those harms;
- use inclusive, collaborative processes to whatever extent is possible;
- involve those with a legitimate stake in the situation, and,
- seek to put right the wrongs.

These obligations are synonymous with the bottom-up peacebuilding approach, also known as peacebuilding from below (Harris 2014). This inclusive approach which emphasises, inter-alia, listening in order to understand each other, aims to increase understanding and so motivate forgiveness and reconciliation. The approach, as underlined by Sending (2009), ensures local ownership, hence increasing the likelihood that the outcomes will accurately reflect the situation on the ground. These local initiatives may have an immediate impact, and through synergies and maximisation of local efforts, may spread through the snowball effect.

The claim that restorative justice approaches give ‘primacy to communities rather than the state’ (Zehr 2001: 33) deserves scrutiny. In restorative justice processes, ‘focus is beyond simply ensuring formal accountability for wrongs; the focus is on the vindication of the victim, not punishment of perpetrators (Biggar 2001 cited in Du Plessis and Ford 2008:3).

Exploring restorative justice from an African perspective makes it mandatory to look at the concept of *Ubuntu*. Muruthi (2009:150 cited in Henkeman 2013:52) assumes that *Ubuntu* is ‘the nexus between peacebuilding and restorative justice.’ The assumption is premised on the belief that ‘African jurisprudence is restorative rather than retributive’ (Tutu 1996 cited in Bennett 2010:122). As a conflict prevention and peacebuilding framework *Ubuntu* ‘embraces the notion of acknowledgement of guilt, showing of remorse and repentance by the perpetrator of injustice, asking for and receiving forgiveness, and paying compensation or reparation as a prelude to reconciliation and peaceful co-existence’ (Francis 2006:26).

The African philosophy of *Ubuntu* as expressed in the Zulu proverb, ‘*umuntu ngumuntu ngabantu*’ (I am a person because of other persons) bears testimony to the interdependence of African communities (Stuit 2010:85). The *Ubuntu* philosophy therefore entails seeing people ‘less as individuals than as part of an indefinitely complex web of other human beings. It is the idea that we are all bound up with one another, that *me* is always subordinate to *we*, that no man is an island’ (Stengel 2010:231).

In sum, humanity underlines human relations. In his testimony on *Ubuntu*, Archbishop Tutu the Chairperson of the South African Truth and Reconciliation Commission underscored that ‘I am a human

only because you are human. If I undermine your humanity, I dehumanise myself. You must do what you can do to maintain this great harmony, which is perpetually undermined by resentment, anger and desire for vengeance' (*Mail and Guardian* 1996 cited in Bennett 2010:122). Tutu (1999 cited in Francis 2006:26) further observes that:

I am human because I belong, I participate, I share. A person with *Ubuntu* is open and available to others, affirming of others, does not feel threatened that others are able and good; for he or she has a proper self-assurance that comes with knowing that he or she belongs to a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are.

According to Jannie Malan (cited in Francis 2006:26), 'Every single human being only becomes a truly human being by means of relationship with other beings.' The essence of *Ubuntu* is that an injury to one should be an injury to all. This tends to promote a culture of tolerance of diversity, peace and development. Francis (2006:26-7) hails *Ubuntu* for its values of inclusivity, reciprocity and humanity. These values are critical in peacebuilding because they demand that peace should be more than the absence of war, but the presence of social justice (Galtung 1969:183).

Ubuntu concepts, therefore, illustrate the operations of restorative justice's three pillars, identified by Zehr (2002) as harms and needs, obligations and engagement. Woolf (2011:1) concurs that the harms and needs are 'obligations which all in the community must work to address with a goal of returning to wholeness.' Thus, restorative justice encourages outcomes that promote responsibility, reparations and healing for all (Zehr 2002). The process aims to make justice more transformative and increase preventive mechanisms by empowering the vulnerable. A win-win outcome is likely to be achieved if victims are involved in the process and come out satisfied. Simultaneously, offenders should understand and acknowledge the consequences of their actions.

Woolf (2011) concurs with Zehr (2002) that, once the offenders acknowledge responsibility of their actions, it becomes possible to work out strategies to repair the harms inflicted and to address the root causes of the conflict. The ultimate goals of closure and re-integration need to be cemented through complementary programmes such as reparative/distributive justice that focus on socio-economic and institutional reforms and compensation for victims (Bennett 2010:122).

However, Zernova (2012:1) underlines Johnstone's (2011) assertion that 'despite the growing interest in restorative justice, the broad phenomenon is still little understood and often misunderstood' (2011). Johnstone suggests that restorative justice has expanded in 'downwards' and 'upwards' directions. Through 'downwards expansion,' restorative justice now involves consideration of undesirable but non-criminal behaviour such as neighbourhood disputes. 'Upwards expansion' is defined as a shift from ordinary crimes to more complex problems such as 'political violence, gross violations of human rights,

genocide and large-scale historical injustices’ (Zernova 2012:2). Zernova concludes that ‘in this process of expansion the meaning of the very concept of restorative justice has undergone considerable changes, and at present the term ‘restorative justice’ refers to phenomena very different from the reform of the criminal justice system.’

Stauffer (2013:10 cited in David Works 2013:20) also warns that:

Restorative justice is fragile. It hinges on people taking determined steps to relentlessly pursue their healing despite the pain it may bring. It challenges us to growth, to imagine beyond the current status quo and to take the creative risk of feeling and acting in a different, yet deeply courageous way.

This view of restorative justice echoes Lederach's concepts of truth, justice, mercy and peace, which must eventually find a ‘meeting place’ in order for reconciliation to occur. The primary motive is to seek approaches that meet the needs of the offended and hold the offenders truly accountable (Zehr 2002).

3.4.1 Maurice Nyagumbo and Nelson Mandela as restorative justice icons

It is befitting to recognise the restorative justice lessons that can be drawn from Zimbabwe and South Africa’s longest serving political prisoners: Maurice Nyagumbo and Nelson Mandela. After serving for twenty-two and twenty-seven years respectively (without trial), they concur that forgiveness begins with the forgiver, for the sake of his/her own inner freedom.

Nyagumbo confessed to his former tormentors Ian Smith and P.K. van der Byl, his former Minister of Defence and Foreign Affairs that, ‘If I had not forgiven that man he would still be my gaoler’ (De Waal 1992:1).

Similarly, upon his eventual release from apartheid imprisonment on February 11, 1990, Mandela said, ‘As I walked out the door toward my freedom I knew that if I did not leave all the anger, hatred and bitterness behind I would still be in prison’ (Mandela 1990).

Mandela who was condemned to life imprisonment at 44 confided upon release that apartheid prisons ‘stealed’ his ‘self-control, discipline, and focus’ (Stengel 2012:14). His ‘I came out mature’ testimony was a precursor to the mammoth TRC project. He forgave his Rivonia Trials’ Prosecutor Percy Yutar who insisted on a death sentence; embraced Constand Viljoen the former army general who had allegedly hatched a coup against him and paid a public visit to Betsie, the 94-year old widow of Verwoerd in Orania, a self-styled all-white Afrikaner homeland (Stengel 2012).

Mandela even endured the walk up a rocky hill to pay homage to the statue of Verwoerd who was knifed to death by an insane court messenger, two years after the Rivonia Trials. Hendrick Verwoerd, Prime

Minister from 1958 to 1966 is widely believed to be the architect of the racist apartheid system premised on 'separate (racial) development.' Mandela went further and reconciled with his political rivals especially King Mangosuthu Buthelezi, leader of the Inkatha Freedom Party (IFP), which threatened the secession of the KwaZulu-Natal Province from the rest of South Africa.²

The two case studies demonstrate that forgiveness begins with the offended, hence an attribute for the strong. Mandela even testifies that 'personal bitterness is irrelevant' and self-destructive (Mandela 1996 foreword in Asmal *et al.* 1996). The key lesson drawn from these case studies is that, 'forgiveness is not something we do for other people; we do it for ourselves to get well and move on'. Mandela was, therefore, conscious that, '...expressing his anger would diminish his power, while hiding it increased it' (Stengel 2012:98). He was conscious that as the emerging father of the multi-cultural *uMzansi* (rainbow nation), he had to bury his bitter past and look ahead. Forward and not backward looking would fulfil his 'leadership from the front' philosophy.

Furthermore, the restorative justice approach embraced by both Zimbabwe and South Africa bears testimony to the fact that the struggle for freedom in post-colonial Africa was not about race and colour. The non-retribution approach taken by the post-apartheid South African Government fulfilled Mandela's famous four-hour 1963-64 Rivonia Trials testimony that:

I have fought against White domination. I have fought against Black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal, which I hope to live and to achieve. But, if needs be, it is an ideal for which I am prepared to die (Mandela 1990:189).

3.4 Summary

This chapter focused on the various forms of justice. These can be categorised as retributive and restorative justice. Retributive justice is the most common form of justice; it involves punishing the offender as a price for committing an offence. Restorative justice, which seems new, is primordial because it has firm roots in traditional (African) communities. Both theoretical and practical cases were cited to try and highlight the feasibility of each form. Further details will be discussed in chapters 6 and 7. The overall conclusion is that impulsive actions invariably worsen rather than abate a problem. Anger-driven decisions are vengeful hence, they tend to cause more harm than good. The next chapter focuses on Lederach's reconciliation theoretical framework, which guides this research.

² A sincere observation has, however, been made that Mandela who went on to marry Graca, the widow of Samora Machel, could 'not reconcile' with his second wife Winnie who stood by him through thick and thin. Sadly, personal reconciliations may be harder than political ones.

Chapter 4: Lederach's reconciliation conceptual framework

4.0 Introduction

Healing of memories, dealing with the trauma and sickness of the past, remembering the dead, dealing with the hard question of forgiveness and developing democratic attitudes and respect for human rights, are all issues that are on the agenda of social reconciliation (Hay 1999:48).

This chapter discusses John Paul Lederach's reconciliation conceptual framework, which guides this mixed methods' research. A conceptual framework offers a boundary outline to provide focus and meaning, as well as limits within which to raise questions and consider a particular course of action (Lederach 1997:21 cited in Henkeman 2013: 44). A theoretical framework is a sketch map, which provides contextual assumptions of the projected research topic. An ideal conceptual framework should suggest 'what factors are central, and what sets of interrelationships merit our attention' (Gavetti *et al.* 2007 cited in Godfrey 2016).

4.1 Lederach's reconciliation conceptual framework: an overview

The conceptual framework for reconciliation chosen to guide this study is essentially Lederach's conflict transformation processes. Conflict transformation focuses on the relationships of disputants. According to King and Miller (2006:108), conflict transformation 'aims to replace suspicion, hatred, animosity, stereotypes, and fear with comprehension, consciousness, sympathy, possibly forgiveness, and in rare cases, compassion.' Restorative justice processes inform Lederach's conceptual framework for reconciliation. The process is hereby defined as addressing 'all acts related to repairing harm' through a process in which stakeholders are provided with the opportunity for active involvement as fully and as often as possible (Bazemore 2000 cited in Sawin and Zehr 2007:46).

Lederach's emphasis is on the associative, social and cultural aspects of peacebuilding, which he defined as 'a comprehensive term that encompasses, generates and sustains the full array of stages and approaches needed to transform conflict towards sustainable, peaceful relations and outcomes' (cited by Mani 2002:13). The emergence and development of Lederach's conflict transformation model, premised on the transformation of relations coincided with the emergence of the term 'transitional justice' in the post-Cold War era in the early 1990s. Creswell (2014:9-10) links this transformative paradigm shift to scholars like Karl Marx and Paulo Freire who advocate the addressing of issues of social injustice, discrimination and oppression.

This transformative theory is premised on the assumptions and procedures such as challenging oppressive social structures, building trust, transparency and dissemination of information in a way that encourages maximum use of results to enhance social justice and human rights (Creswell 2014:71).

Lederach proposes a conceptual framework premised on ‘a comprehensive approach to the transformation of conflict that addresses the structural issues, social dynamics of relationship building, and the development of a supportive infrastructure for peace’ (cited in Mani 2002:13). Reconciliation is the ultimate goal of this peacebuilding theoretical framework. Peacebuilding, as noted earlier on is the effort to build positive relationships, that is, the institutionalising of justice and freedom by addressing the root causes of the conflict. Conflict transformation can reconcile and heal wounded societies ‘by recourse to justice through formal institutions or procedures’ (King and Miller 2006:108-109). According to Lederach (2002: 35 cited in King and Miller 2006:108) reconciliation is both:

A concept and praxis (that) endeavours to reframe the conflict so that the parties are no longer preoccupied with focusing on issues in a direct, cognitive manner. Its primary goal and key contribution is to seek innovative ways to create a time and a place, within various levels of the affected population, to address, integrate, and embrace the painful past and the necessary shared future as a means of dealing with the present.

Jeong (2005:156) concurs that, ‘reconciliation can be generally defined as a process of mutual accommodation comprised of acknowledgement of past wrongdoing and contrition from perpetrators in exchange for forgiveness offered by the victims.’ Alas, the term ‘reconciliation’ is now dirty because it ‘has been so (over) used and abused’ (McEvoy *et al.* 2006:81).

In Lederach’s view, conflict can ironically offer the opportunity for societal transformation, because by studying the underlying issues that cause the key events, one can then determine creative methods to deal with the causes of the conflict (Graham 2014). When positively managed, conflicts can motivate human progress and harmony. Johnstone and Van Ness (2007:14) also argue that, ‘Conflict...can be a valued possession for those who are in conflict, and wrestling with that can become the occasion for inner growth and personal transformation.’ This claim does not mean that conflicts are synonymous with opportunities, but acknowledges that since conflicts are part of human life, the root causes must be addressed to avert violence. Violence breeds fear, hatred and mutual suspicion, thereby hindering human progress. Identifying the root cause of conflict and accounting for the harm that has been done are the key steps in the process of reconciliation as both the perpetrators and the victims restore trust through apology and forgiveness (Jeong 2005:156). Apology therefore redeems both the offender and the offended in the sense that it can be the condition for forgiveness and furthermore restores the former’s humanity (Jeong 2005).

This chapter seeks to explore the relevance as well as the limitations of Lederach’s conflict transformation framework in regards to Zimbabwe’s post-independence culture of violence and impunity. Contemporary conflicts, as noted by Lederach (1997:24-25) require peacebuilding strategies that respond to the context of the concerned conflict. Therefore, the target to restore and re-build broken

relationships demands creativity and formulation of ideas and practices that go beyond the negotiation of substantive interests and issues. This research subscribes to Mertens' advocacy for an action agenda for reform that may change the lives of participants and institutions in pursuit of social justice (2010 cited in Creswell 2014:9-10).

This approach endeavours to transform a culture of violence into a culture of sustainable peace. The approach is in sync with Lederach's conflict transformation framework which prioritises engagement with one's 'enemy in the hope of understanding him and finding common ground rather than attempting to force him into accepting your point of view' (Brendle 2014:20). As illustrated in Figure 4.1 below, the transformation aims to achieve positive change in human lives through harmonising relationships, attitudes, behaviours and structures. The ultimate goal is societal harmony and mature management of conflicts. It is the process towards this goal that peacebuilding practitioners have to grapple with.

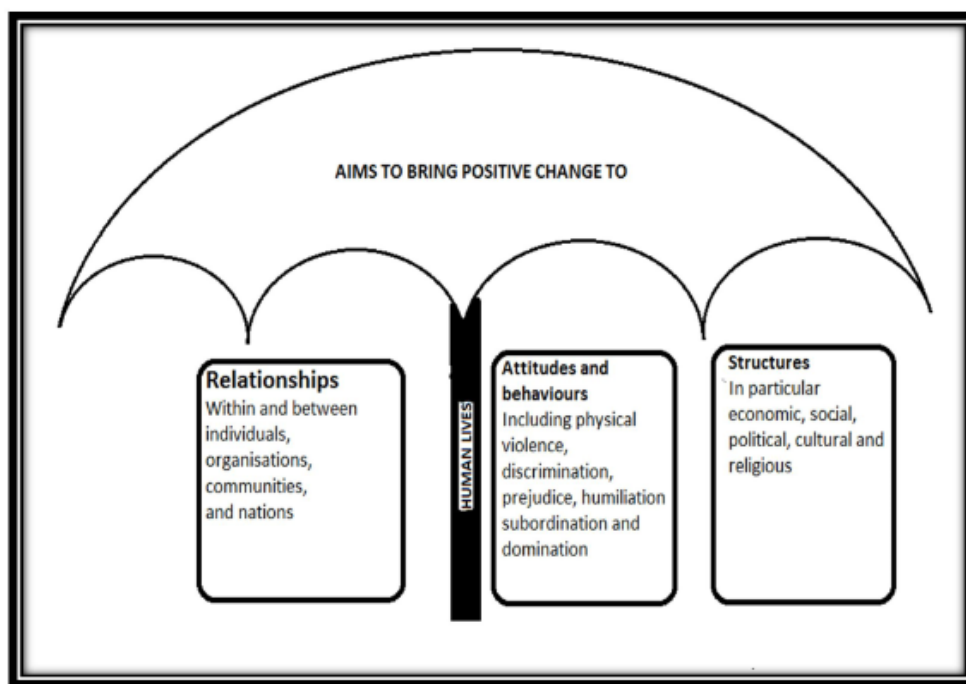


Figure 4.1 Striving for harmony through transformation of relations, attitudes and structures

4.2 Justification for choosing Lederach's reconciliation model

The context of the conflict in Zimbabwe has necessitated the choice of Lederach's reconciliation framework. As noted, the Zimbabwean conflict requires a transformative approach that influences reform and change through engaging concerned stakeholders (Mertens 2010 cited in Creswell 2014:10). Bar-Tal (2008:363) contends that it is the reconciliation processes that determine the foundation and

nature of peace outcomes. Mutual reconciliation will lay the foundation for a culture of tolerance and peace. Lederach subscribes to the popular view that reconciliation requires sincere restoration of fractured relations for the sake of posterity. As opposed to the punitive retributive justice, the form of justice that seeks to repair broken relationships among all conflicting parties is restorative. This resonates with transitional justice goals of healing and reconciling divided societies; providing justice to victims, and accountability to perpetrators; creating an accurate historical record; restoring the rule of law and constitutionalism; and promoting co-existence and sustainable peace (Waru 2014).

Lederach identifies three steps to making an enemy. This is critical, since violence is perpetrated either intentionally or unintentionally (Thomas 2014). The three steps are:

- When the would-be perpetrators separate themselves from the perceived enemies and articulate only the differences and not the commonalities between them.
- They then brag that they are superior and perfect.
- They dehumanise the perceived enemies and deprive them of basic human needs.

These three steps are manifested in Zimbabwe where the liberator has ironically turned perpetrator (Sachikonye 2011). Lederach is one of the first scholars to realise that reconciliation involves socio-psychological processes aimed at changing societal beliefs, attitudes and emotions (Bar-Tal 2008:363). He prefers a 'context-responsive approach' to peacebuilding because it enhances constructive conflict transformation, by building relationships in their 'totality' in order to 'form new patterns, processes and structures' (2002:85 cited in King and Miller 2006: 109).

This 'involves a wide range of activities and functions that both precede and follow formal peace accords, including processes, approaches, and stages needed to transform conflict toward more sustainable, peaceful relationships' (Lederach 1997 cited in Wright 2004). Therefore, the information to be gathered on the nature/forms, context and extent of the conflicts in Zimbabwe will inform the possible transitional justice options. Research participants in this research will inform how best Zimbabwe can move away from a culture of political violence and impunity to a culture of sustained peace. This research prioritises the input of research participants. Such an approach will be essential in understanding the context and dynamics of the conflict studied.

Lederach has, since 1995, been consistent with his reconciliation framework based on Psalms 85:10, which defines reconciliation as, 'the place where truth and mercy have met together, justice and peace have kissed' (Ramsbotham *et al.* 2012:258). As observed by Brendle (2014:20), Lederach draws his readers 'into the personal lives of his own family and of those he has met in his ministry of reconciliation while also teaching how to find the truth, justice, mercy, and peace that are so lacking in our conflicted world.' Therefore, Lederach asserts that relationships 'are built through reconciliation, which balances

four concepts: truth, mercy, justice, and peace.’ Truth represents ‘the longing for acknowledgement of wrong and the validation of painful loss and experiences, mercy articulates the need for acceptance, letting go, and a new beginning, justice seeks vindication of individual and group rights while advocating for restitution and social restructuring, peace underscores the need for interdependence, well-being, and security’ (Wright 2004:12).

Assefa (2000:340) concurs that the core elements of the reconciliation process are: honest acknowledgement of past wrongs, sincere regrets and remorse for the harm, preparedness to apologise, readiness to forgive and sincerely pronounce ‘never again’ as a new, mutually enriching relationship takes root. Therefore, through focus on accountability and institutional reform, ‘transitional justice embraces issues of justice, truth, reconciliation, reparation, memory and forgiveness’ (Francis 2006:29).

4.3 How can a catalyst for reconciliation in a divided society be created and sustained?

Lederach (1997:26-29) believes that a divided society can be reconciled through relationship management, engagement of disputants and thinking outside the usual box. Wright (2004) acknowledges Lederach’s comprehensive conceptual framework for building peace in divided societies.

4.3.1 Transformation of relationships

Lederach views the idea of transforming relationships as the bedrock of conflict transformation. He views human relationships as the ‘basis of both the conflict and the long-term solution’ and subscribes to the assertion by Saunders and Slim (1994:43-56 cited in Lederach 1997:26) that relations are ‘the focal point for sustained dialogue within protracted conflict settings.’ This assumption underlines that, instead of separating disputants on the assumption that ‘good fences make good neighbours’ (Kaufman 1996:161 cited in Ramsbotham 2012:248), they must be engaged ‘as humans-in-relationship’ (Lederach 1997:26).

Relationships are hereby hailed as ‘the centrepiece, the beginning and the ending point for understanding the system’ (Wheatley 1992 cited in Lederach 1997:26). The assumption here is that people living in the same environment have interdependent links, which from time to time are inevitably severed by conflict. Nevertheless, given their common needs, interests and values, these people, it is assumed use the prevailing conflict as an opportunity to mend those broken relationships. Pursuant to this assertion, Lederach (2000:36) claims that ‘conflict and change are a normal part of human life and conflict is continuously present in human relationships and the fabric of these relationships is constantly adapting and changing.’

Therefore, given the relational dimension of conflicts, harmonising incompatible relations will nurture a culture of compromise and tolerance. On the contrary, unresolved conflicts are destructive; both the perpetrator and victims will be affected in one way or another. Suffice it to say, the quality of people's relationships and the effort that is made to transform the conflicts that may arise is critical in peacebuilding. For this to happen according to Lederach (1997:30), there is a need to 'minimise poorly functioning communication and maximise mutual understanding.'

4.3.2 Dialogue as the first step in conflict transformation

Basing his theoretical model on Matthew 18:15-20, Lederach (1999), proposes dialogue as the first step in conflict transformation. He assumes that engaging disputants in comprehensive dialogue is the key to successful reconciliation processes. According to Sawin and Zehr (2007), dialogue ensures engagement and empowerment of victims of violence. Dialogue is crucial in that it engages both the offended and the offenders in justice seeking. Inclusive participation becomes the cornerstone of restorative justice in that it seeks a win-win outcome through truth recovery, acknowledgement, accountability, reparations and safety assurance.

Lederach (1997:32) underlines that, 'a crucial component of dialogue is future imaging whereby parties form a vision of the commonly shared future they are trying to build. Moreover, this engagement of disputants provides 'an encounter' of both people and many diverse but interdependent aspects'.

The importance of all-stakeholder participation in peacebuilding should not be underestimated. Kaner *et al.* (1996: 24 cited in Sawin and Zehr 2007:46) argue that:

Inclusive solutions are wise solutions. Their wisdom emerges from the integration of everybody's perspectives and needs. These are solutions whose range and vision is expanded to take advantage of the truth held not only by the quick, the articulate, the most powerful and influential, but also of the truth held by the slower thinkers, the shy, the disenfranchised and the weak. As the Quakers say, 'Everybody has a piece of truth.'

The use of engagement and empowerment advocacy is indeed essential in the pursuit of post-conflict justice. However, as noted by Sawin and Zehr (2007 cited in Johnstone and Van Ness 2007:2), in practice, it is not easy to determine precisely who to engage and empower in any transitional justice process and to 'ensure that key stakeholders are in fact engaged and empowered.' This challenge arises in cases when the alleged perpetrators are in power and continue to hold the victims in bondage of fear. Nevertheless, the perpetrator-victim divide can be narrowed through all-stakeholder participation and as noted by Tutu (1999), 'If you want peace, you don't talk to your friends. You talk to your enemies.'

Offenders must therefore be engaged as active participants in redressing the injury (Van Ness and Strong 2002 cited in Sharpe 2007:29). It is noteworthy that a guilty conscience can be an albatross

around the offenders' necks. Due to a number of reasons, offenders may find no opportunity to pour out their regrets. Engaging them in an all stakeholder participation may initiate the beginning of sustainable healing and reconciliation processes. Using a pyramid (Figure 4.2), Lederach (1997:39) identifies a three-level structure of mutually inclusive stakeholder participants in reconciliation processes as: the top, the middle, and the grassroots.

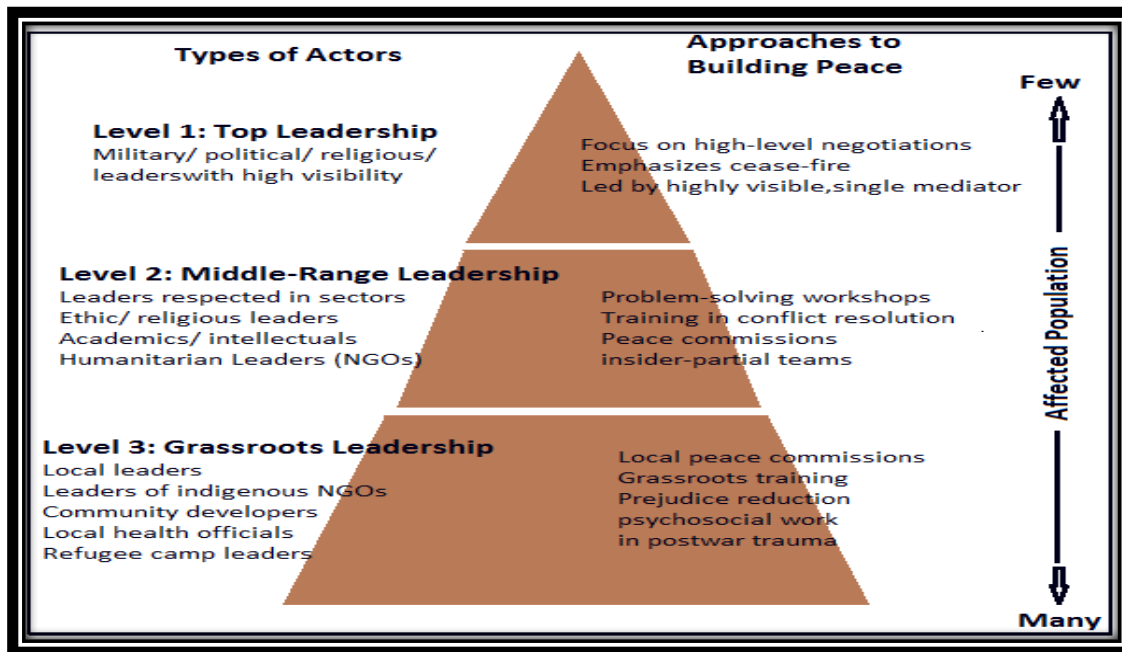


Figure 4. 2 Actors and the (holistic) approaches to peacebuilding (Lederach 1997:39)

4.3.3.1 The top level

This research has been able to link this pyramid to a transformative research design, which seeks constant societal change. The top level has also been conveniently described as the State (Sawin and Zehr 2007: 51-52). Conspicuous by its visibility, the State invariably controls the security sector and sometimes religion, the judiciary and the populace at large.

The role of the state in restorative justice processes is controversial but indispensable. It is indispensable because the state has the legitimate mandate to wield total authority. The state should be a servant to the people but what so often happens as in cases like that of Zimbabwe, the state becomes the very opposite of a servant and is instead a predatory state that serves to benefit a few cronies at the top.

Sharp (2015:4) regards the concept of servant leadership as authority 'dependent on the people's goodwill, decisions and support.' Such power resides in the stakeholders (ordinary citizens) and evolves around institutional checks and balances. Attributes of servant leadership include humility, sensitivity to the plight of the governed, selflessness, transparency and accountability and above all, being suitably action-oriented.

Contrary to Lederach's pyramid which categorises religion as an aspect of the State, in Zimbabwe, the scenario is different. The state uses religion for political gains such as votes but no single religion informs its ideologies. Sachikonye (2011) has singled out ZANU-PF as the main perpetrator of political violence and guarantor of impunity. Nevertheless, far from being a *fait accompli*; dictatorship will never be sustainable.

Notwithstanding these glaring shortcomings, the state as the *bona fide* guarantor of the rule of law, should actively participate in terms of enforcement of justice, maintenance of law and order and policy making (Van Ness 1989:20 cited in Sawin and Zehr 2007:53). Bazemore and Walgrave (1999:65 cited in Johnstone and Van Ness (2007:14) suggest three principles that should guide the State's role in restorative justice processes, namely: that the State should:

- guarantee equal treatment of all parties,
- satisfy the victim, the perpetrator and the community, and
- ensure the rule of law and constitutionalism.

Being the custodian of both natural and human resources, including ideological persuasions, the State must ideally be impartial in its application of the law and must observe the rule of law in order to earn the respect of the electorate, upon which its mandate is founded. Failure to satisfy the basic needs of the electorate may motivate the latter to resort to (nonviolent) protests.

Given such a scenario, the state should not, as happens in Zimbabwe, use the security apparatus to repress the dissenting voices; instead, the State should take stock of the citizenry's concerns and address them urgently. Henceforth, dissenting voices must be considered as early warning signs upon which the State must act urgently. The voice of the governed should always carry the day in a functioning constitutional democracy. This phenomenon of a government of the people by the people for the people as defined by Abraham Lincoln is the basis for democracy and social justice. In fact, the voice is the citizen's greatest weapon; hence the State must listen to it. All-stakeholder participation and tolerance of diverse ideas should be the hallmark of problem-solving. The rapport between the State and the stakeholders should be defined by the former's adherence to the social contract binding the two. The latter's disobedience and non-cooperation, for whatever reasons directly undermines the legitimacy and mandate of the State.

Sharp (2015: 10) contends that, 'A regime's power is in proportion to its ability to make itself obeyed and to win from that obedience the means of action.' The current widespread agitation in Zimbabwe

bears testimony to this scenario. Ironically, the Mugabe regime continues to deny any shortcomings to the point of even disowning the protestors as ‘regime change’ agents funded by the West.³

I contend that the Zimbabwean state should take the initiative in the country’s search for sustainable peace and justice but must neither control nor drive the processes. As the custodian of national governance based on the law of social contract, the state’s political will, resourcefulness and observance of the rule of law, is obliged to create an environment that is conducive for reconciliation processes. The government of the day must ensure that there is trust building during the transitional justice processes. However, I am of the opinion that the paradigm shift that Zimbabwe urgently needs cannot be expected from the ruling ZANU-PF, allegedly complicit in the political violence.

The AU’s adoption on October 21, 1986 of the African Charter on Human and People’s Rights is a testament to the fact that the State has an obligation to protect human rights and freedoms. This confirms the Torture Convention’s assurance that, ‘the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’ (Birdsall 2010:684).

Therefore, it is the State’s main duty to acknowledge and protect the rights of its citizens with its laws and power (Interregional Meetings of the Bishops of Southern Africa (IMBISA) 1988). In liaison with other stakeholders, the state has to approve of the final transitional justice framework to be adopted. It is therefore, the responsibility of the state to ensure the transformation of commitment and general will into practical action (Furusa 2016). This research argues that the State must create synergies with the middle and lower societal levels in order to maximise opportunities for the common good. Such State-citizen partnerships are rare in Africa where the ‘us’ (state) and ‘them’ (citizens) polarisations are so defined, in terms of privileges, visions and expectations. This research suggests that mutual partnerships can be forged in intensive research, policy issues, visions and human needs and wants. Further partnerships can involve peer-review mechanisms premised on broad consultation and checks and balances. For instance, the problems bedevilling Zimbabwe cannot be solved without engaging the government since the state is largely complicit in the problems (Msipa 2016). Mugabe ‘needs to really think about it and understand that a peaceful transition will be the best thing he can bequeath to this country’ (Msipa 2016).

4.3.2.2 The middle level

Lederach’s middle level stakeholders comprise of academics, religious groups, eminent specialists and civil society organisations that have links with both State and the grassroots communities. This state-

³ South Africa is showing signs similar to Zimbabwe where dissenting voices are quelled and the state maintains its innocence despite failings obvious to many.

grassroots (top-bottom) link is very critical in peacebuilding. Renowned for their credibility, reverence, commitment and impartiality, this diverse think tank group conducts problem-solving workshops, trains people in conflict-resolution skills, and leads peace commissions (Lederach 1997).

The group mobilises resources needed in pursuing the peacebuilding agenda such as human resource capacity building and information. This group can, therefore, be hailed as the voice of the voiceless because of its interventionist tendencies in articulating societal values such as human rights and governance. The group should devise interventions that best suit the community and work to improve State-grassroots relations. The group spurs hope for change of fortunes in the grassroots; hope is an invaluable attribute in peacebuilding.

For instance, a conglomeration of Zimbabwean Church Leaders has petitioned the Government of Zimbabwe to observe the rule of law and constitutionalism in dealing with citizens who are demanding a redress of bread and butter issues. Quoting from the prophets Isaiah (58:6) and Amos (5:24); the Church Leaders have reminded the Mugabe regime to adhere to the state-citizen social contract defined by social justice and righteousness (2016). It is indeed, the divine mandate of the Church to preach and act for the common good of the suffering communities. The Church should rebuild broken relations and restore trust, hope and self-esteem. The nonviolent demonstrations and agitations by ordinary citizens in Zimbabwe in 2016 motivated the local and international community to hold Mugabe regime to account for its misrule.

The middle-level group initiates and sustains dialogue informed by critical thinking, awareness or both. Dialogue and interaction from individual, community and national levels makes win-win outcomes achievable. For instance, intellectuals have the skills to work with ideas such as convergence and engagement of diverse stakeholders in pursuit of a collective psyche (Furusa 2016). Above all, they rise beyond fear of victimisation because their cause is research-based.

There is strength in diversity. This research argues that the middle level group should converge and draw strength from its diverse formations and craft nonviolent strategies that can salvage the elusive peace and justice in Zimbabwe. For instance, the power of research must establish the patterns, extent, causes and effects of politically-motivated violence in Zimbabwe. Their research findings will then inform appropriate solutions to the problem. Independent thinking should then be translated into teamwork action. Inspirational advocacy can motivate citizenry resolve to demand reforms.⁴ Teamwork

⁴ Reference can be made to the 1789 French Revolution where the writings of philosophers, notably Rousseau, Montesquieu and Voltaire allegedly sustained a revolutionary spirit against the despotic monarchical rule by highlighting the ills of the day. Lessons from the French Revolution experience demand that the Zimbabwean

enhances the convergence of diverse actors in pursuit of collective goals. Unity of purpose supersedes individual egoism. This resonates with the chosen transformative research paradigm's emphasis on participant empowerment through informed participation. Citizenry participation does not only ensure sustainable ownership of the transformational processes; but it also gives them voice and power to shape a desirable common future. A united citizen front can hold its government to account for its actions and no brutal force can stop an idea whose time has come. Suffice to say, 'A successful democracy depends on an informed populace' (Yoder 2005:77). As acknowledged in this research paradigm, the pinnacle of citizen power is measured by its ability to overcome what Oberg (2016) calls 'entrenched fearology and militarism.' This research feels that in addition to these apolitical actors, opposition politics, which invariably emerge from civic disgruntlement, must galvanise the civic concerns and provide people-oriented policy shifts. The more the political options, the brighter the hope. Genuine opposition parties act as watchdogs of every societal aspect and from their vantage position; they can openly expose the deficiencies and vulnerabilities of the government of the day.

4.3.2.3 The grassroots

In the Zimbabwean context, the grassroots' stakeholders form the bulk of the population. This group hereby called the community or grassroots has a diverse composition comprising, inter alia, the local leadership, victims, perpetrators and sometimes humanitarian agencies. The local communities are expected to harmonise rather than magnify their diversities, in order to form a united front against the State's disregard for its mandate (Schirch 2013). The broad collective nature of the grassroots must be maximised for the common good. Every community has 'think tanks' whose opinion shapes the collective societal psyche.

Lederach (1997) and Sending (2009) urge peacebuilders to prioritise the local context and call for the participation of the grassroots in righting the wrongs of their society. Inclusive bottom-up approaches enhance maximum engagement and empowerment. The outcome will be more comprehensive and sustainable because of its local origin and ownership (Mitchell 2012).

Conspicuous by their absence from Lederach's pyramid are two very critical elements of the Zimbabwean political terrain: the war veterans of the war of liberation and the youth. As noted in Chapter 5, these two elements have been very instrumental in supporting the governing ZANU-PF party. However, in the wake of the succession crisis in the governing party and unmitigated socio-

intelligentsia together with the business community should rally their efforts in the fight against injustice and bad governance.

economic distress, the two seem to be competing for both space and recognition by the state. Both are allegedly sucked into the shadowy ZANU-PF succession matrix. This research has noticed two paradoxical scenarios emerging from these two elements. Firstly, the Zimbabwe National Liberation War Veterans' Association, formerly the bastion of ZANU-PF survival has publicly acknowledged that Mugabe has become a liability to the entire nation. They claim to have noted, 'with concern, shock and utter dismay the entrenchment of dictatorial tendencies, personified by the President and his cohorts which have slowly devoured the values of the liberation struggle in utter disregard of the constitution' (Dzirutwe 2016). This vote of no confidence in their erstwhile patron resonates with the general indignation about Mugabe's misrule since 1980.

Secondly, the youth who have been manipulated in terms of composition and grand promises ranging from jobs, farms, residential and business stands and even cash, have remained political cannon fodder. During election time, they are used as ZANU-PF militia 'in defence of their heritage' (Appendix 4). This defies logic; the youth's abundant energy and fertile imaginations should be harnessed for the betterment of posterity.

Research in the last sixty years has proved that the effectiveness of community-based peace initiatives can surpass the national efforts (Rodriguez 2012). Jansen (2013) challenges ordinary citizens to act in order to be counted. They should be active peacebuilding actors rather than mere victims of violence (Odendaal 2012). Through studying prevalent patterns and trends of violence, communities should be able to explore and respond to these dynamics so that they 'do not get caught in a cycle of tit-for-tat-violence or see themselves as perpetual victims' (Yoder 2005:7). Hence, inclusive community participation will guard against the politics of patronage and manipulation by the State.



Figure 4.3 Reconciliation takes two and goes through the heart (Oberg 2015)

The diversity, fear, and mutual suspicion that may be shared by all parties can cast a shadow over individuals and whole communities thereby hindering any further development (Miller 2007). To overcome this complex challenge, synergies based on dialogue can create common ground premised on the need to find sustenance in the search for answers. Yoder (2005:77) appeals for unity of purpose amongst the three diverse levels and assures that ‘peace beyond our fears sustains us as we commit to living in healing, life-affirming ways.’ I contend that the three must always engage each other on matters of national interest. Constructive engagement between the Government of Zimbabwe and the citizens will break the impasse and enable workable options to be found.

Lederach underscores that, ‘reconciliation must find ways to address the past without getting locked in a vicious cycle of mutual exclusiveness inherent in the past’ (1997:26). To reconcile means the meeting or re-joining of estranged people (Oberg 2015). This can take place either during conflict escalation or after violence, hurt or harm. Reconciliation is the integral aspect of conflict-resolution but the price is significantly high; as peace processes can be encouraged and facilitated but cannot be forced (Oberg 2015).

Therefore, reconciliation can only occur when the parties feel that ‘the time is ripe and they *can* do it’ (Oberg 2015). This means that the encounter (meeting) enables the disputants ‘to find each other,’ recover the truth of what happened, in order to account and acknowledge wrong deeds. This may seem controversial but, truth-seeking, accountability and acknowledgement of one’s actions ‘validate experience and feelings and represent the first step toward restoration of the person and the relationship’ (Lederach 1997:26). Since the relations of the conflicting parties are invariably inter-linked and interdependent in one way or another, they should therefore be afforded the opportunity to engage so that they reflect on common or different needs, interests and positions, in order to ‘get to yes’ (Fisher and Ury 2000). There is always a need to view the conflict as solvable and to recognize the disputants as legitimate players with legitimate goals and needs, that should be addressed in pursuit of peaceful relations (Bar-Tal 2008:366). This resonates with Lederach’s assertion that reconciliation ‘represents a place, the point of encounter where concerns about both the past and the future can meet’ (1997:27). The lesson learnt here is that problem-solving begins when the disputants find common ground.

Lederach (1997) assumes that the key to successful reconciliation is a process, which should be defined by comprehensive dialogue in which disputants encounter ‘their hopes and their fears.’ The dialogue outcomes are critical for posterity. In Lederach’s words: ‘reconciliation-as-encounter suggests that space for acknowledging of the past and envisioning of the future is the necessary ingredient for reframing the present’ (1997:27). Oberg (2015) concurs that, like forgiveness, reconciliation means to

remember, not to forget and the two concepts imply that ‘participants say goodbye to future revenge and the resumption of the conflict.’

There are possible dangers of further harming and disempowering victims and survivors when they re-live traumatising experiences (Herman 1992 cited in Sawin and Zehr 2007). Voluntary stakeholder participation and contingent intervention preparedness can be part of the ‘damage control’ package. Mere ‘forgive and forget’ can also amount to disempowerment and traumatisation of victims of violence. Engagement may take various forms, ranging from face-to face interaction to mediation. Bush and Folger (1994:2 cited in Sawin and Zehr 2007:47) simplify the definition of empowerment as ‘the restoration to individuals of a sense of their own value and strength and their own capacity to handle life’s problems.’

It is now clear that the prime motive of restorative justice processes is to engage victims of violence, in order to empower them. The challenge comes if the offenders do not cooperate, due to either impunity or any other reasons. If the offenders are not engaged and empowered, for whatever reason, restorative justice may be compromised to become ‘an activity done to offenders, rather than done with them,’ thereby assuming retributive and punitive characteristics, which it was hoped would be avoided. (Toews and Katounas 2004: 115 cited in Sawin and Zehr 2007:50).

Stakeholder divergence caused by different interests, positions and needs should, therefore, not rule out chances of convergence that come through engagement and empowerment. This assumption that disputants have high chances of converging because they have more in common than not, is supported by Dag Hammarskjöld, the second United Nations’ Secretary General’s famous re-assurance that:

No matter how deep the shadows may be, how sharp the conflicts, how tense the mistrust reflected in what is said and done in our world today, we are not permitted to forget that we have too much in common, too great a sharing of interest and too much that we may lose together, for ourselves and for succeeding generations, ever to weaken in our efforts to surmount the difficulties and to turn the simple human values, which are our common heritage, into the firm foundation on which we may unite our strength and live together in peace (cited in Rylander 2008:18).

Even if the disputants’ interests, values and needs are at sharp variance, progress will have been made if each group gains a relatively accurate understanding of the other. It is therefore Lederach’s conviction that if parties in conflict know where they want to go, then it will be so much easier for them to agree on a strategy to reach that goal. This assumption is highlighted in Lederach’s ‘wander, wonder and wait’ action proposals. The ‘wander, wonder and wait’ catch phrase reveals that the peacebuilding journey is arduous, hence requiring critical commitment, thinking and patience. As implied in his maxim: ‘Process is the key to the Kingdom,’ Lederach (1995:40) assumes that processes matter more than the outcome.

He assumes that by acknowledging wrongdoing and empowering parties in conflict, wounded relations can be healed. Empowering the disputants may enable them to overcome the 'I cannot' mindset and embrace the 'I can' approach. Therefore, to reach a solution, the first step is to believe that there is a solution to the problem.

4.3.4 Think outside the box

Lederach's 'think outside the box' assumption can be so described because it was a product of his 'wander and wonder' beyond the mainstream orthodox peacebuilding approaches. There is a need to weigh options and alternatives; there is a need to think globally, but act locally. The assumption is arguably based on his fieldwork experience in Nicaragua in the 1980s. The reading of Psalms 85 and verse 10 in particular, during the Nicaraguan transitional justice process, revealed, through the participants', that the meeting place where truth, mercy, justice and peace converge is called reconciliation (Lederach 1997:28-29). From a role-play based on Psalms 85 verse 10 which reads: 'Truth and mercy have met together; peace and justice have kissed,' Lederach learnt that these core concepts are paradoxical. Truth is the desire for acknowledgement of wrongdoing and the validation of a bitter past (Lederach 1997:29).

Truth, he discovered, is linked to mercy, which calls for forgiveness and a fresh start after dealing with the bad past. Lederach (1997:29) also discovered that justice entails the pursuit of reparations and compensation, in the event of human rights' abuses. He found justice to be closely linked to peace defined by mutual interdependence and security. Interestingly, it was a participant who named the four concepts' meeting place as reconciliation. In simple terms, truth involves sincere revelation and testimony of past actions, including admission, acknowledgment, accountability and transparency; while mercy requires acceptance, forgiveness, compassion, remorse and healing for building new relations and trust; justice, requires rectification, restitution, compensation and social restructuring; and peace underscores a common future, cooperation, coordination, wellbeing, harmony, respect, institutionalised mechanisms for conflict resolution and security for all the parties (Bar-Tal 2008:366).

This conceptualisation is meaningful because reconciliation represents a social place where disputants must engage and face issues that divide them (Figure 4.3). This model has been supported by Long and Brecke (2003 cited in Bar-Tal 2008:366-7) who also suggest that 'reconciliation is based on truth telling about the harm done by both parties, forgiveness, which requires a new view of both parties, giving up of retribution and full justice, and building new positive relationships.'

Listening and being listened to is a crucial component of the transformation process. This process is not just confined to words; it includes listening to the feelings and needs behind the words (Reychler

2001:456). Since victimisation is a manifestation of powerlessness, victims can, through recounting their experiences and even prescribing their expectations, regain their self-esteem (Van Ness and Strong 2002 cited in Sharpe 2007:30). At the same time, the victims can ‘secure a position of strength, respect and specialness’ by gauging the sincerity of the offender’s apology, which they can accept or reject (Minnow 1998:115 cited in Sharpe 2007:30-31). The desired win-win outcome or victim-offender reciprocity is highly possible if both the victims and the offenders are intrinsically ‘engaged and empowered’ (Sawin and Zehr 2007).

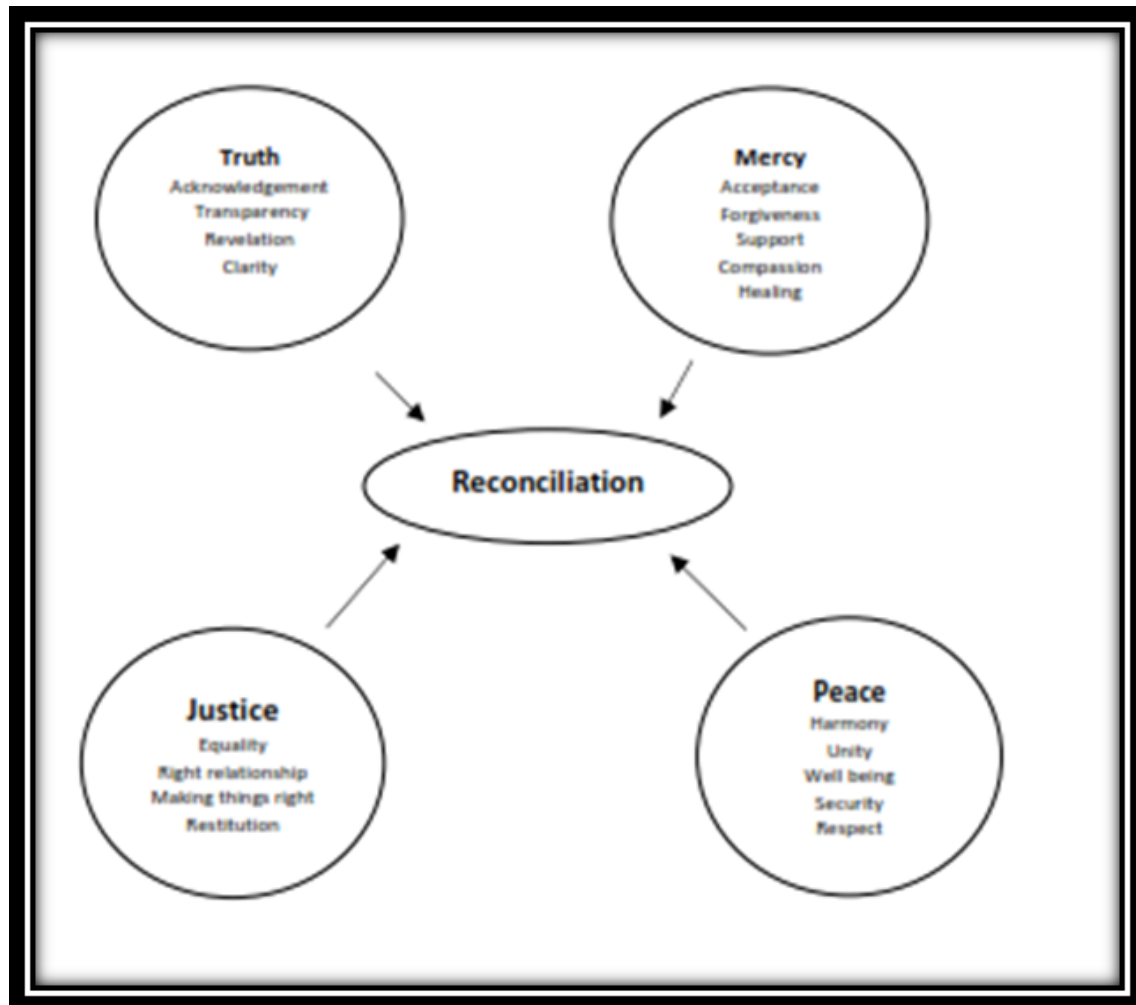


Figure 4.4 The ‘Meeting Place’ (Lederach 1997:30)

Figure 4.4 shows reconciliation as both a focus and a locus. Lederach’s reconciliation theory is premised on, and linked to the relational aspect of the conflict. He argues that ‘reconciliation must be proactive in seeking to create an encounter where people can focus on their relationship and share their perceptions, feelings and experiences with one another, with the goal of creating new perceptions and a new shared experience’ (1997:30). His typology shows that ‘reconciliation is built on paradox, that

which links seemingly contradictory but in fact interdependent ideas and forces' (1997:30). Since paradoxes are part of human life, it is, therefore, necessary to deal with them positively by identifying the opposing energies that form the poles of the paradox, provide space for each, and consider them as interdependent and necessary for the sake of the concerned society (Smith and Berg 1987 cited in Lederach 1997:30).

In the case of post-colonial Zimbabwe, efforts at reconciliation can only be sustainable if the seemingly incompatible poles of truth, mercy, justice and peace converge. Reconciliation is, therefore, regarded as a place where different interdependent social energies of truth, mercy, justice and peace are brought together and given voice and space to re-think their relationships and share perceptions, feelings and experiences (Rodriguez 2012). Speaking at the launch of the 'Jubilee Year of Mercy' for the Catholic Diocese of Mutare, Bishop Muchabaiwa emphasised that mercy is vital for nation building (Satumba 2016). Therefore, failure to forgive tends to sustain intrapersonal conflicts.

From Lederach's perspective, these social energies should be recognised, not as opposing forces, but as collaborating social energies that complement each other in pursuit of reconciliation. Bar-Tal (2008:368) who regards 'reconciliation as a foundation of the culture of peace,' views the process as a composition of 'mutual recognition and acceptance, invested interests and goals in developing peaceful relations, mutual trust and positive attitudes, as well as sensitivity and consideration of other party's needs and interests.'

According to Lederach (1997:31), reconciliation deals with three specific paradoxes:

- In an overall sense, reconciliation promotes an encounter between the open expression of the painful past, on one hand, and the search for articulation of a long-term, interdependent future, on the other.
- Reconciliation provides a place for truth and mercy to meet, where concerns for exposing what has happened and for letting go in favour of renewed relationship are validated and embraced.
- Reconciliation recognises the need to give time and place to both justice and peace, where redressing the wrong is held together with the envisioning of a common, connected future.

These three paradoxes seem to tally with the three different, but overlapping conceptions of restorative justice, namely: 'the encounter conception, the reparative conception and the transformative conception' (Johnstone and Van Ness 2007:1). Therefore, the key to successful reconciliation is the coming together of all stakeholders to a conflict in order to mend fractured relationships. The ultimate goal is to generate new perceptions and new-shared visions. Exposing past wrongs therefore inspires forgiveness and builds an interdependent future.

Oberg (2015) contends that forgiveness is a little different from reconciliation in the sense that in principle, it takes only one person to forgive. The benefits of forgiving outlined in chapter 3 include the need ‘to free ourselves from the burden of permanent hatred, bitterness and the wish for revenge, because we want to go on with our lives’ (Oberg 2015). In sum, ‘each of us has a deep need to forgive and to be forgiven’ (Tutu and Tutu 2015). Reconciliation is a far broader concept involving active engagement between victim and perpetrator and transformation of an unjust system to one where mutual understanding can be found.

Lederach (1999:56) warns that the road to peacebuilding is not a stroll in the park; it is a painstaking process, which requires great skill, persistence and tolerance. The complexity of reconciliation processes is in the irony that conflict is an inevitable part of human relationships yet the same conflict should be considered as an opportunity to bring about a change in those human relationships for the better. This is supported by Kraybill’s Reconciliation Cycle Theory, which regards reconciliation as a long-lasting process that goes through several stages in paving for new future relationships based on trust building (1995). Consequently, moving from a painful past into a healed present where peace and justice prevail is not an easy journey for both individuals and communities, but worth pursuing (Bennett 2010). Therefore, Lederach’s vision of global peace is premised on a holistic method that ‘includes, produces, and sustains a series of processes, proposals and stages’ (Rodriguez 2012).

4.4 The relevance of Lederach’s reconciliation framework to this study

Lederach’s theory of conflict transformation through reconciliation is relevant to this study. Using Mutare District, Manicaland, Zimbabwe, as a case study, this research explores how State-sponsored violence can be transformed through reconciliation.

Lederach assumes that the task of healing the wounds caused by generations of injustice, intolerance and impunity requires full participation of all stakeholders. All-stakeholder participation ensures comprehensive conflict transformation. Given the space, stakeholders should set the expected standards and produce the fundamental guiding principles for transitional justice processes (Muchadehama 2015 cited in Mushava 2015). In the case of Zimbabwe, all-stakeholder engagement can lay a firm foundation for the proposed Peace and National Healing Commission by reflecting on, inter alia, best practices in transitional justice processes such as truth-telling, justice, accountability and institutional reforms.

According to Clause 152 of the Constitution of Zimbabwe (2013:99):

The Peace and National Healing Commission must develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of conflicts; to bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice.

The NPRC is another official acknowledgement by the Government of Zimbabwe that the country has endured politically motivated human rights' violations dating back to the pre-colonial era. However, mere acknowledgement and even prescription of brilliant frameworks to deal with the legacy of past wrongs is not enough; pursuit without action is in vain. The best practices in transitional justice processes such as truth-telling, accountability, justice, memorialisation, institutional reforms, gender and reparations have been the missing link in Zimbabwe's transitional justice pronouncements. This research argues that the absence of such basic tenets has been a result of the top-bottom approaches invariably imposed by the government.

Zimbabwe's deep-seated culture of violence has been a cause for concern. This research subscribes to all-stakeholder participation in conflict transformation and reconciliation. Inclusive participation forms the backbone of Boutros-Ghali's *Agenda for Peace* (1992) which calls for the engagement of a variety of activities that are associated with 'capacity building, reconciliation and societal transformation.' Building on this inclusive and multi-disciplinary approach, Lederach (2003) argues that, 'all society members, from those in elite leadership positions, to religious leaders, to those at the grassroots level, have a role to play in building lasting peace.'

Lederach advises about the need to interact and cultivate relationships with high-level powers without indulging in activities that may compromise one's integrity. Engaging political leaders is imperative because they often fail to recognise that in order for people to come to terms with a traumatic past, processes of acknowledgement, forgiveness, reconciliation and healing are required as stepping stones in the search for sustainable peace and justice (Machakanja 2010:2).

Lederach's peacebuilding approach concurs with Bar-Tal (2008) and Sending (2009) on the view that the greatest resource for sustainable peace in the long-term is rooted in the local people and the context. As noted in chapter 7, 'International organisations know how to give loans and rebuild roads after war. However, overall, they know neither how to re-build souls or neighbourhoods, nor how to encourage even the first small steps in such a process' (Obergh 2015). Peacebuilding efforts should therefore focus on addressing the root causes of the conflict and at the same time influence amicable relations between the disputants. This research assumes that local transitional justice initiatives should inform higher level policy-makers. Community-based transitional justice initiatives, usually based on consensus, can allow the four tenets of truth, mercy, justice and peace to meet and achieve reconciliation. This can in turn influence higher levels to seek the truth of what happened, reform institutions, engage all stakeholders and other necessary measures such as accountability, in order to heal and reconcile the wounded and traumatised society. Therefore, peacebuilding efforts in Zimbabwe should aim to promote nonviolent

actions in order to change the attitudes and behaviour of people, promote peace and respect, and restore right relationships.

Chief proponents of nonviolent activism such as Mahatma Gandhi, Martin Luther King Jr and Galtung have convinced peacebuilding watchdogs like the Transnational Foundation for Peace and Future Research (TFF) and even the UN that ‘peace by peaceful means is realism, not utopianism’ (Oberg 2015).

Accountability and truth- recovery may not be easy to achieve but, worth seeking. The evils of the past cannot just be wished away because, ‘all things pass except the past’ (Huyse 2008). Lederach’s ideas of conflict transformation were informed and influenced by the Anabaptist-Mennonite religious approaches, which promote peace as embedded in reconciliation. This ultimate goal is viewed as a product of truth, mercy, justice, the building of right relationships and social structures through a radical respect for human rights and nonviolence as a way of life (2003:3).

Comprehensive transitional justice processes are imperative in dealing with the legacy of human rights violations. Lederach’s reconciliation model as a concept and a praxis can apply to Zimbabwe’s politically motivated violence. Through inclusive stakeholder participation and political will, innovative strategies can be embraced to deal with the Zimbabwean conflict and create a common and shared future.

4.5 Limitations of Lederach’s reconciliation theory to this study

Lederach is a recipient of the Community of Christ International Peace Award in 2000. Lederach (1999) confesses that his Christian faith influences both his thinking and approaches to conflict transformation. Thus it is clear that his approach to peacebuilding is intrinsically faith based. His fieldwork experiences and Christian conviction integral to his reconciliation theory.

Zimbabwe is a multi-cultural country. President Mugabe confirmed this religious pluralism when he proclaimed July 24-26, 2009 as days of ‘National Dedication’, during which ‘traditional and faith-based organisations’ leaders were instructed to lead their respective people through a process of devotion and dedication to the Almighty according to the various cultural norms and religious practices of the Zimbabwean people’ (ONHRI 2009). This shows that reconciliation should occur not only in human relationships, but also in spiritual, moral, political, social, structural and economic spheres.

Lederach’s reconciliation model is relevant to any research in peacebuilding processes. However, it has some limitations emanating mainly from the nature and context of the conflict under study. While Lederach’s theory is informed largely by his experiences in mediating intractable conflicts between

ethnic groups, this research focuses on alleged State sponsored violence on its own citizens (Sachikonye 2011).

Lederach's Christian faith seems to overlook religious pluralism and diversity. The latter version serves as a testament for Christians in search of scriptural views about reconciliation and practical measures to transform conflicts. While Zimbabwean traditionalists may tolerate Christian influences, non-Christian sects such as Muslim minorities may see this pro-Christianity bias as a ploy to prevail over them. In such a context, transitional justice initiatives must tolerate religious diversity in order to avoid further conflicts. Therefore, the local values and norms should determine the course of action (Sending 2009).

4.6 Summary

This chapter examined Lederach's reconciliation theory that guides this research. Premised on reconciliation through conflict transformation, the theory has the potential to guide Zimbabwe to transform from its culture of violence to a culture of sustainable peace. The theory assumes that conflicts can be transformed by improving the perpetrator-victim relations. The theory acknowledges that, 'Conflicts, wars, violence, and injustices open deep wounds in humanity that call on us to strengthen our commitment to peace and justice' (Pope Francis I cited in Pullella 2016). Conflict transformation is possible if all stakeholders are engaged in dialogue and critical thinking. The theory has remained consistent about how reconciliation processes can, through revelation, accountability, apology and forgiveness, transform conflict into opportunities for growth and development (Lederach 2014). This is achieved through fair interaction between members of different groups, in order to overcome antagonistic differences through discovery and creation of a sense of belonging. The next chapter focuses on the forms of political violence prevalent in independent Zimbabwe.

Chapter 5: Mapping the forms of political violence in independent Zimbabwe using Galtung's Triangle of Violence Model

5.0 Introduction

Once authority has deteriorated to the level of mere power, (the threat of violence) the next move to actual violence is no longer a moral problem: it is a matter of survival (Curter 1972 cited in Gould 2015:1).

The previous chapter contextualised Lederach's reconciliation conceptual framework concerning independent Zimbabwe's peacebuilding efforts. This chapter uses Galtung's Triangle of Violence Model to map the various forms of political violence in independent Zimbabwe (objective 1).

Post-colonial Zimbabwe allegedly inherited repressive colonial infrastructural and institutional structures (O'Grandy 2016), thereby easily allowing themselves to become just like the system they had themselves so vehemently opposed (Tutu cited in Kaulemu 2011:14). Notwithstanding the national reconciliation proclamation, the desire for revenge nevertheless manifested itself. The military-style killing of Gerald Adams, a white farmer in Harare on August 4, 1980 by Tekere, then ZANU-PF Secretary General and cabinet minister, heralded the current unmitigated political violence and impunity. On this fateful day, Tekere even told Mugabe and the visiting Mozambican President, Machel that he was going out for 'a small military operation, to get rid of Rhodesian remnants' (Tekere 2007: 127). The gruesome murder revealed that national reconciliation could only be achieved through participatory action rather than wishful thinking.

Tekere was acquitted of the murder, courtesy of the 1975 Indemnity and Compensation Act which deemed the crime to be 'in good faith' for the purposes of suppressing terrorism (Tekere 2007:129). The murder confirmed Wink's warning that, '...unresolved hatreds can lead to acts of revenge by those newly empowered' (1998:13). Even Mugabe made his disregard for constitutionalism and the rule of law apparent when he declared shockingly, in 1982 that, 'The law of evidence and the criminal procedure we have inherited is a stupid ass. It is one of those principles born out of the stupidity of some of the procedures of colonial times' (Hartwell 2015:18). These events testify that if violent people 'are brutalised by their experiences: violence becomes a way of life, and once they have political power, it often becomes their tool' (Elworthy and Rifkind 2006:63).

5.1 Jumping from the frying pan into the fire: A synopsis of political violence in post-colonial Zimbabwe

That 'a nation can win freedom without its people becoming free', (Nkomo 1984: 56) aptly summarises Zimbabwe's transition from colonial rule to independence. The endemic political violence and impunity in independent Zimbabwe paradoxically confirmed colonial propaganda about the 'futility' of black

majority rule. The culture of allowing State agents to kill or maim if they ‘sincerely believe’ that the victims had harmful intent has been sustained in independent Zimbabwe (O’Grandy 2016). The endemic violence and impunity confirms that most former combatants invariably tend ‘to fail to turn themselves into democratic members of parliament or ministers or simply civil members of society’ if not rehabilitated and reintegrated (Kaulemu 2008). They resort to violence as a panacea to all problems facing them. Elworthy and Rifkind (2006:56) concur that, ‘Violence can reflect a deep history of exclusion and injustice, whose wounds are very raw and the resulting hatred very deep.’

The violence and impunity in Zimbabwe bears testimony to the notion that the perpetrators of gross human rights violations in any war inevitably find it ‘virtually impossible to engage in democratic practices without cheating or resorting to violence of one form or another...’ (Kaulemu 2008:43). This confirms that violence begets violence, either as the offended opt to retaliate or as the offender tries to safeguard the violently acquired hegemony. Regrettably, ‘For too long, the world’s human rights’ violators have murdered, raped and maimed freely while much of the international community looked the other way’ (Towards an effective International Criminal Court 1998:1).

The ruling ZANU-PF has hitherto regarded ‘violence as the norm rather than the exception in dealing with most of its problems’ (Duri 2010:58). Resorting to violence is however a sign of weakness. Curtler’s observation that ‘Once authority has deteriorated to the level of mere power, the next move to actual violence is no longer a moral problem: it is a matter of survival’ (1972 cited in Gould 2015: 67.) In the face of legitimacy and security threats, dictators legitimise violence. ZANU-PF’s overriding desire for political survival has dehumanised the body politic, such that the moral blameworthiness of political violence is no longer questionable. ZANU-PF party members even openly brag of their monopoly on violence (Duri 2010:58).

The argument that ‘the violence of the ZANU-PF regime is itself a symptom of deep traumatic experiences’ (Kaulemu 2009:42) is rooted in the fact that violence was a ready-made colonial tool during the colonial era. Smith *et al.* (1981) trace Tekere and many ZANU-PF members’ deep-seated hatred for Whites to the Smith regime and the liberation war atrocities. Colonial rule allegedly bequeathed to independent Africa, ‘a legacy of authoritarian governance...centralisation of political and economic power and suppressed political multi-pluralism’ leading ‘to corruption, nepotism, complacency and the abuse of power’ (Annan 1997).

It is noteworthy that peacebuilding processes in post-colonial Africa have invariably privileged the ruling liberation parties thereby putting inclusive citizenry participation at the mercy of the ‘liberator.’ The perpetuation and perfection of skewed colonial structures and systems perpetrates inherent cultural

and structural violence, which inevitably fuels physical violence if the ‘liberated,’ challenges the ‘liberator.’

Ayittey (1992) argues strongly that Africa is in chaos because its leadership has betrayed it. Under the guise of defending sovereignty, African leaders harass and even kill their citizens. Festus Mogae the former president of Botswana laments that, ‘We still have leaders in Africa who think they are indispensable, larger than life and more important than their own countries’ (2016 cited in Chidza 2016:4).

At the height of Africa’s independence euphoria, Fanon (1963:138), predicted that the revolutionary parties were bound to pursue selfish gains at the expense of the masses. Prophetically, he noted that:

The living party, which ought to make possible the free exchange of ideas which have been elaborated according to the real needs of the mass of the people, has been transformed into a trade union of individual interests. Since the proclamation of independence, the party no longer helps the people to set out its demands, to become more aware of its needs and better able to establish its power. Today, the party’s mission is to deliver to the people the instructions, which issue from the summit. There no longer exists the fruitful give-and-take from bottom to the top and from top to the bottom, which creates and guarantees democracy in a party. Quite on the contrary, the party has made itself into a screen between the masses and the leaders.

Zimbabwe’s independence was regrettably flawed because priority was given to party politics and infrastructural rehabilitation at the expense of dire human security. ZANU-PF has proved a point that African liberation movements have not been the best developmental agents (Kaulemu cited in Duri 2010:58). ZANU-PF has dismally failed to transform colonial injustices. The prevalence of State-sponsored gross human rights abuses bears testimony that armed combatants are invariably obsessed with the might of the gun (Kaulemu 2008:43).

Zimbabwe’s turmoil and tenacity is aptly summed up by Tekere (2007:174):

Today Zimbabweans live mostly in fear of their own government, of a State machinery born out of the forces of liberation but now, regrettably, more associated with ruthlessness and naked force in face of the opposition in general, discordant voices from within the establishment itself, or the healthy criticism from the media and academia.

Poor governance is often cited as the primary cause of violence and impunity in Zimbabwe. The governance-related crisis in Zimbabwe is assumed to cover the disregard for the rule of law, corruption, mismanagement, politically motivated violence and draconian legislation (Masunungure and Badza 2010). The State censorship of human rights-related institutions such as the media and the judiciary has compromised public sector accountability. The net result has been the disregard for the rule of law and constitutionalism.

In fact, the general feeling amongst Zimbabweans is that the country is ‘being held to ransom’ by its liberators-turned-oppressors, for the sake of political expediency (Holland 2008; Mbudzi 2016). Mugabe’s predecessor, Ian Smith (2001: x) described ZANU-PF as ‘the new colonialists.’ Todd (2007) describes Mugabe as a liability to Zimbabwe. She accuses him of systematically impoverishing Zimbabwe and throwing ‘its population into depths of hellish despair, poverty and illness’ (Todd 2007:422).

As noted in Chapter 6, the transition from colonial rule was built on the mere goodwill of the political actors. Critical issues of disarmament, law enforcement, the judiciary, rehabilitation and re-integration were not prioritised. This was an oversight whose consequences immediately manifested in the *Gukurahundi* massacres and subsequent impunity. This reveals that the need to address human security must be the starting point of all peacebuilding processes. According to Schirch (2004:17), ‘human security exists when people are safe from direct and structural forms of violence and are able to meet their basic needs and rights.’ Human security is ‘the only route to lasting peace’ and everyone is a stakeholder (Elworthy and Rifkind (2006:11). ZANU-PF’s disregard for human security established a deep sense of powerlessness and dehumanisation among the Zimbabwean citizens through systematic violence.

In contrast to most concepts of historical analysis, the term violence raises particular epistemological challenges, not least for the reason that it implicates the researcher and reader morally, ethically and politically (Schmidt 2013:9). The violence concept is so ambiguous, universal and uncomfortable to study because of its intrinsic partiality. To avoid the epistemological challenges pertaining to the violence concept, I will use Galtung’s Triangle of Violence Model to map the political forms of violence in independent Zimbabwe. Unlike most historians who confine violence to either the time of occurrence or immediate aftermath, Galtung’s analysis transcends the inequality inherent in societal structures and institutions such as customs and normativity to encompass ‘all experiences of suffering’ (Schmidt 2013:9).

The actions of ZANU-PF have ‘contributed to the deliberate breakdown of political and economic instability in the southern African region’ (*NewsdzeZimbabwe* 2015). Indeed, Zimbabwe accentuates deep theoretical and political differences in understanding and explaining post-colonial Africa, especially in relationship to its governance, electoral processes and land tenure systems (Derman and Kaarhus 2013:3). It is, therefore, noteworthy that, ‘while violence was a decisive instrument in the attainment of independence, it was also a major divisive force afterwards’ Sachikonye (2011: xviii). Elworthy and Rifkind (2006:54) have two questions that can be linked to President Mugabe’s tumultuous political career:

- To what extent can leaders who have a deeply traumatised history think and act rationally?
- How do their past experiences affect their political careers?

Mugabe, a freedom fighter, now frequently labeled as a tyrant, has a sad upbringing. His benevolent dictatorship has been traced to his unhappy upbringing; he assumed family responsibility at 10 when his father, Gabriel, abandoned the family (Holland 2008). Raised in the Jesuit Catholic Order, Robert Mugabe allegedly preferred a solitary life and would listen to other people's views without giving his own input (Tekere 2007). It is tempting to embrace the Freudian psychoanalysis theory that an unhappy upbringing like that of Tshaka the Zulu and Hitler can make one a brute, later in life. Past humiliation and degradation can therefore be key drivers of political violence, but they are ancient war explosives (Elworthy and Rifkind 2006:61). Mugabe is thought to not easily forgive; he has always recounted the hurt inflicted upon his mother, Bona and the family by his father. He even presumes that the 1980 policy of national reconciliation was a mistake. He is on record saying, 'When you show mercy to your former enemy...you think you are being noble. But, if you ask me how I feel about it, I think we made a mistake' (Holland 2008: xx). Mugabe's non-compromise on principles can therefore be linked to his 'turbulent' upbringing and political career, which include his 11-year incarceration, denial to bury his then only son, Nhamodzenyika (Trials and Tribulations) and ZANLA guerrilla war leadership. Joshua Nkomo, his fellow compatriot explains how Mugabe's unyielding character, which almost derailed the Lancaster House Peace Talks, immediately manifested in the post-colonial politics of exclusion (1984). As noted above, repeated public claims by ZANU-PF that they 'shoot to kill', because they carry the burden of history (Mhlanga 2015:2) smacks of a deeply traumatised history. Ironically, Zimbabwe, an advocate of the anti-death penalty is yet to ratify the *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (UN 1984). This brief historical background has a bearing on the potential and nature of transitional justice options for Zimbabwe.

Cases of politically motivated violence in post-independence Zimbabwe will be mapped out as follows: The *Gukurahundi* Massacres from 1982-87, the Fast Track Land Reform Programme in 2000, *Murambatsvina* in 2005, and electoral violence. The motive is not to chronicle the violence trends, or to name and shame the perpetrators, but to complement the efforts 'to end the culture of violence in Zimbabwe' (Kaulemu 2011: vii). Naturally, ZANU-PF is sensitive to all forms of criticism levelled against them and the country. Such deliberate efforts to subvert the course of justice have the effect of sustaining hatred and injustice. Establishing the root causes of the political violence in Zimbabwe, is a good starting point in the search for possible solutions.

5.2 Galtung's 'Triangle of Violence Model': Direct, Cultural and Structural Violence

Galtung (1969:168) argues that 'violence is present when human beings are being influenced so that their actual somatic and mental realisation is below their potential realisation.' However, Galtung warns that violence is a choice and that, 'the meaning of potential realisations is highly problematic, especially when we move from somatic aspects of human life, where consensus is more readily obtained, to mental aspects' (1969:169). This definition of violence which compares 'the actual realisation' of human beings with their 'potential realisations' has been intuitively simplified by Vorobej (2008:85) to mean 'whatever causes people to be less well off than they otherwise could be.'

Galtung is the acclaimed 'Father of Peace and Conflict Studies,' not only because he founded the International Peace Research Institute in Oslo, the world's first academic institute in 1959, but he categorically de-bunks the popular misunderstanding that 'violence is in human nature' (2004). Galtung (1996:29) is consistent with his plea for peace by peaceful means:

The potential for violence, like love, is in human nature; but circumstances condition the realisation of that potential. Violence is not like eating or sexing, found all over the world with slight variations. The big variations in violence are easily explained in terms of culture and structure: cultural and structural violence cause direct violence, using violent actors who revolt against the structures and using the culture to legitimise their use of violence as instruments. Obviously, peace must also be built in the culture and in the structure, not only in the human mind.

Galtung (1985) acknowledges the effectiveness of nonviolent strategies and underlines the fact that to err is human whereas violence is a choice. Galtung (1990) formulated the cultural violence theory to show how aspects such as stereotypes and prejudices 'can be used to justify and legitimise direct and structural violence' (cited in Grewal 2003:4). Therefore, according to Galtung (2004) there are three forms of violence, namely direct, structural and cultural violence (Figure 5.1).

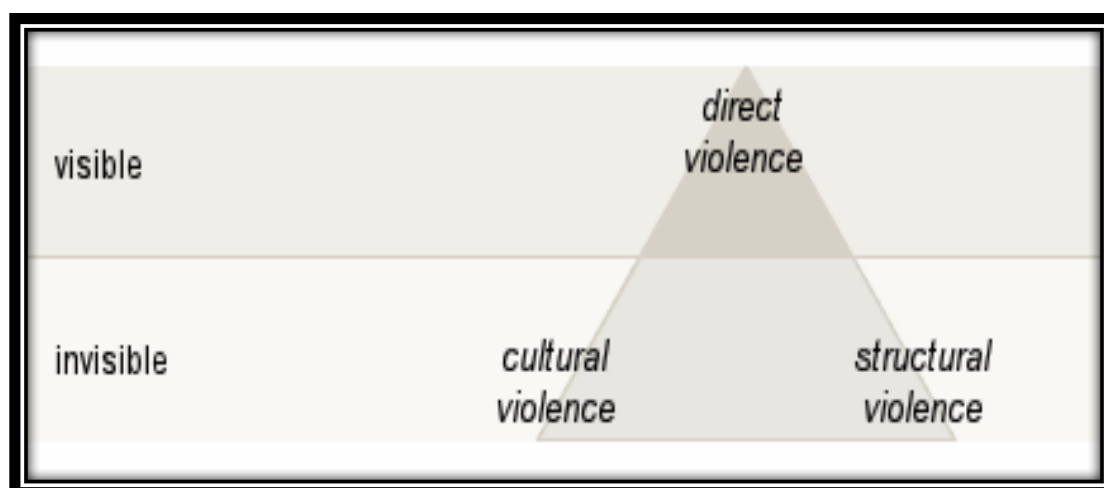


Figure 5.1 Galtung's Triangle of Violence Model (2004)

5.2.1 Direct violence

This first form of violence is visible, behavioural and personal because it results in physical injuries and pain caused by a specific actor. Common examples include beating, killing and destruction. Direct violence is therefore brutal and dramatic as the subject acts on the object. However, direct violence can also be subtle and latent if it is verbal and psychological and, its effects can be carried over by traumas caused by hurting the body, mind and spirit (Galtung 1996:31).

Galtung (2004) emphasises that direct violence, whether physical and, or verbal, is visible as behaviour but, such actions have roots and drivers. He duly identifies the two latent roots of violence (Figure 5.1) as a 'culture of violence (heroic, patriotic), and a structure that itself is violent by being too repressive, exploitative or alienating; too tight or too loose for the comfort of people' (2004).

5.2.2 Structural violence

This form of violence is invisible, latent and indirect. Its causes lie in the structure(s) of the society itself (Hoivik 1997: 60). Structural violence is inherent in human society structures; hence it is perpetrated regardless of intent (Galtung 1996:93). Structural violence is, 'the disabilities, disparities, and even deaths that result when systems, institutions, or policies meet some people's needs and rights at the expense of others' (Schirch 2004:22).

Structural violence can also be viewed as the incompatibility that occurs when political and economic systems are organised in such a way that oppresses, exploits and dominates certain segments of the population while privileging a few (Webster and Perkins 2001 cited in Christie *et al.* 2001). Zimbabwe is a typical case where the State is privileged to silence dissenting voices about gross human rights violations and general mismanagement.

The hierarchical nature of vertical structures is invariably oppressive and exploitative. Structural violence is less obvious, though it can be as deadly or deadlier, than direct violence (Afzaal 2012). Structures that favour the privileged are exclusive and conflict arises when the underprivileged challenge the imbalance. The inevitable disharmony slowly wreaks havoc on the values and dignity of the latter (Jeong 2000). Marginalisation perpetuates violence which kills 'human potential' (Sorensen 2014). Therefore, structural violence breeds psychological and emotional effects which can be manipulated by means of 'carrot or stick' mechanisms such as brainwashing, lies, propaganda, indoctrination and threats. This creates the antagonistic 'haves' and the 'have not' divide defined by 'us and them.'

Winter and Leighton (1999) confirm that structural inequalities ‘produce suffering and death as often as direct violence does, though the damage is slower, subtler, more common and more difficult to repair’ because it is ‘almost always invisible, and embedded in ubiquitous social structures, normalised by stable institutions and regular experience.’

5.2.3 Cultural violence

Cultural violence is invisible, latent, and indirect but insidious. It is embodied in the symbolic aspects of humanity such as beliefs, values, ideology, orientation, ethnicity, race, religion and souvenirs (Galtung 1996:196). The prevalence of cultural violence is fuelled by stereotypes and prejudices coupled with hatred, fear and mistrust. The aspects of cultural violence brew, legitimise and justify either societal structures or direct confrontations.

This research confirms that the struggle for political power between ZANU-PF and the opposition and within ZANU-PF has hastened the prevalence of these three forms of violence in Zimbabwe. Physical violence is common during elections and even nonviolent anti-government demonstrations. Protestors are indiscriminately beaten or abducted by state security forces. The unprecedented levels of corruption, abuse of state institutions and impunity show structural violence, while the unhealed ethnic tensions show the unmitigated cultural violence. Overall, by subjecting the citizenry to perennial fear and uncertainty, the Mugabe regime is alleged to hold the entire nation at ransom.

5. 3. The nexus between direct, structural and cultural violence

In spite of the symmetries in the vicious cycle of violence, the three forms vary in that ‘direct violence is an event; structural violence is a process with varied patterns; cultural violence is an invariant, a permanent, remaining essentially the same for long periods, given the slow transformations of basic culture’ (Galtung 1996:199). It is noteworthy that, while the three forms of violence feed into each other, physical violence can, over time be forgotten but its effects remain salient (Galtung 1996: 200).

Each form represents individual angles, which have ‘built-in vicious cycles’ (Galtung 2004). Reviewers of the model concur that there is a nexus among the three types which breeds more violence. For instance, (Leech 2012) argues that the three aspects of the ‘triadic construct’ are interdependent and ‘cannot be properly understood as individuals independent of the whole.’ Therefore, since violence consists of three parts: a subject, an object and an action, the distinction between direct and structural violence is determined by whether there is an actor/agent or not. The ‘absence’ of action in structural violence (Galtung 1969:171), may detract ‘our attention to the extent that we accept its presence as ‘normal’ or even a natural part of how we see the world’ (Afzaal 2012). Structural violence has no

visible agents but has visible victims and consequences. This makes structural violence visible. Figures 5.2 and 5.3 show the relationship between violence and peace and the nexus between the three forms of violence.

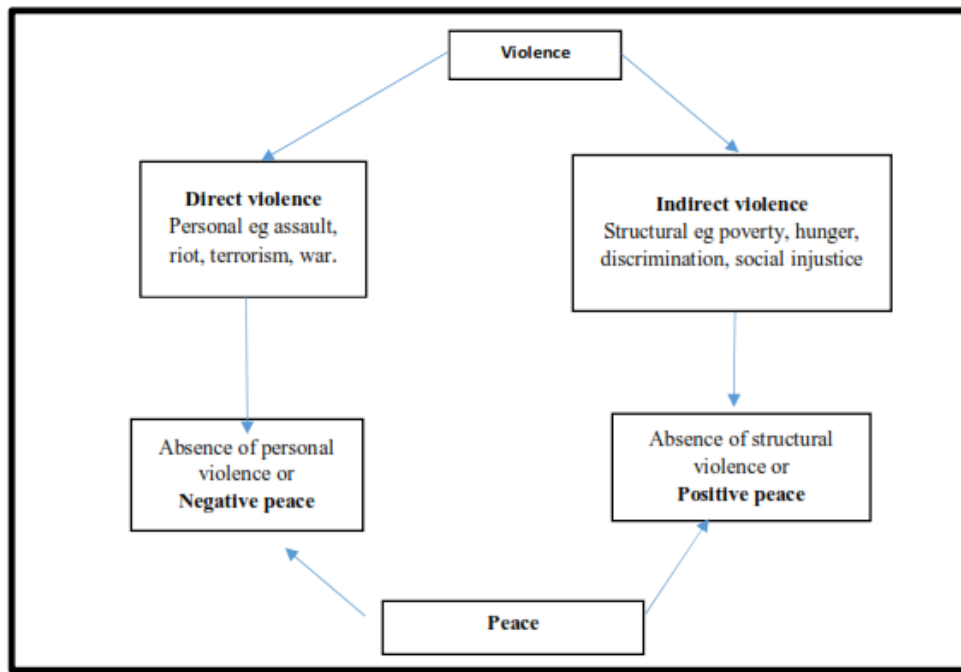


Figure 5.2 The expanded concept of peace and violence (Adapted from Grewal 2003:3)

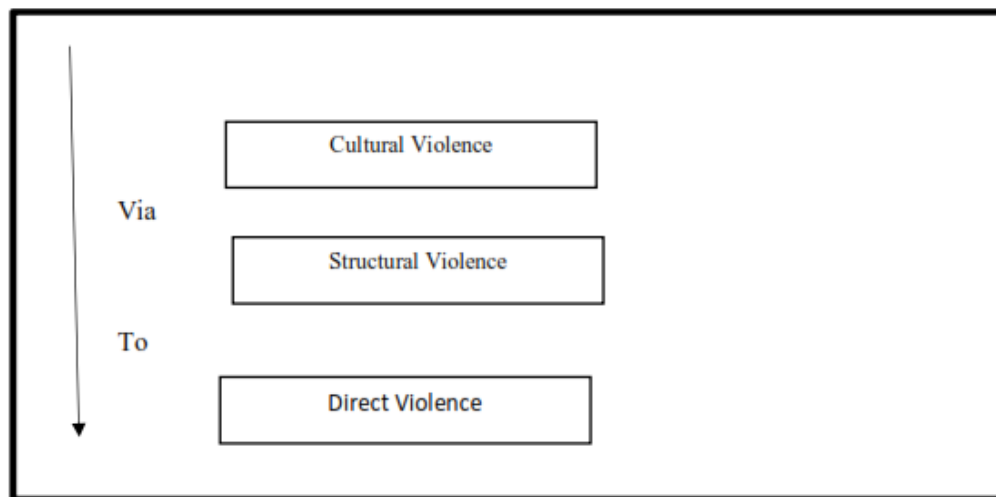


Figure 5.3: The causal flow of violence (Adapted from Grewal 2003:4)

Such built-in injustice which prevents people or societies from realising their 'full potential' eventually works on the mind and soul (Galtung 1969:169). Moreover, while direct violence can be measured in

terms of visible casualties such as body count, structural violence can also kill or hurt, albeit more ‘slowly and undramatically’ (Galtung and Hoivick 1971: 73 cited in Malaquias 2007:16). The casualties in structural violence can match those incurred in direct violence since the ‘misery in general and hunger in particular, erode and finally kill human beings’ (Galtung 1985:145). According to Galtung (1969:170):

The violence is built into the structure and shows up as inequality and consequently as unequal life chances. Resources are unevenly distributed, as when income distributions are heavily skewed, literacy/education unevenly distributed, medical services existent in some districts and for some groups only, and so on. Above all, the power to decide over the distribution of resources is unevenly distributed. The situation is aggravated further if the person’s low on income are also low in education, low on health, and low on power – as is frequently the case because these rank dimensions tend to be heavily correlated due to the way they are tied together in the social structure.

The issue of resource inequality noted in chapter 3 as distributive justice has been considered as the main driver of structural violence. According to Khotari, a former Director of the United Nations’ Universities’ programme on Peace and Global Transformations, resources are the major causes of violence in human societies (cited by Best 2006:43). Khotari (1979:6 cited in Best 2006:43), argues that, ‘the control and use of (natural) resources lies at the heart of the deepening crisis in the world today.’ This shows that structural violence constitutes a system of unequal access to the means for closing the gap between the haves and the have-nots (Sandole and van der Merwe 1993). In Zimbabwe, the gap between the two extremes keeps widening, and those aligned to ZANU-PF openly boast about the ‘co-relation’ between their opulence and allegiance to ZANU-PF (Meredith 2005:628).

Lack of information and funding can be stumbling blocks to (human) capacity building. This creates unequal accessibility to opportunities which invariably diminishes the chances of the underprivileged. Societies can perpetrate structural violence by denying some members basic human needs and rights such as education, jobs and accommodation (Jeong 2000:21). I contend that a peaceful and just society is possible if the State and non-State stakeholders collaborate in eliminating the root causes of all forms of injustice. Zimbabwe is at the ‘crossroads’ because it allowed ‘the survival of feudal and settler-colonial institutions after independence’ (Chung 2006:327). The relics of colonial injustices were inherited intact. These include the glaring rich-poor gap, manipulation and selective application of the law, disregard of the rule of law, politics of hate, racism and ethnicism, weak and subverted state institutions, patronage and mismanagement (Mhanda 2011:241).

5.4 Mapping politically motivated violence and impunity in post-colonial Zimbabwe

As noted above, cases of politically motivated violence and impunity in post-colonial Zimbabwe can be mapped out as: the *Gukurahundi* massacres from 1982-87, the Fast Track Land Reform Programme in 2000, *Murambatsvina* in 2005, and electoral violence.

5.4.1 The *Gukurahundi* Massacres, 1982-87

5.4.1.1 The demise of the Patriotic Front spirit: the genesis of *Gukurahundi* Massacres

A nation can win freedom without its people becoming free.... Things are worse now (1984) than they were under Ian Smith (colonial rule). This is the worst government in the history of the country (Nkomo 1984:29).

The ZANU-PF statements about their fortitude in the protracted armed struggle and their prowess in victory has evolved into a popular narrative. The narrative has also shaped the country's politics of patronage and exclusivity. Side-lining Nkomo and PF-ZAPU in the 1980 elections was part of Mugabe's and ZANU-PF's one-party State project (Meredith 2002:38). Unfortunately, the Patriotic Front spirit evaporated soon after the signing of the Lancaster House ceasefire agreement. ZANU rebranded itself as ZANU-PF and ZAPU became PF-ZAPU for the 1980 elections (Nkomo 1984). Mashingaidze (2005:83) argues that, 'herein lies the paradox of post-colonial governance: liberation movements, under whose banner independence was attained, fought for plurality of political space, but upon assuming the portals of power, sought to obliterate difference.' This failure to tolerate political pluralism by the emerging African ruling elite invariably spoiled post-colonial Africa's nation-building enthusiasm.

The *Gukurahundi* Massacres, which saw the murder of more than 20 000 mainly minority Ndebele-speaking civilians in Matabeleland and Midlands Provinces by the North Korean-trained 5th Brigade between 1982 and 1987, is a sad chapter in post-colonial Zimbabwe's history (CCJP 1997; Ranger 2010). Immediately after winning 57 (60%) of the contested 80 seats in 1980, ZANU-PF openly declared its wish to 'crush' PF-ZAPU, its political nemesis since 1963 (Meredith 2005). Under the guise of PF-ZAPU arms cache and dissidents, ZANU-PF deployed a crack battalion which committed untold suffering on unarmed civilians (Eppel 2005). *Gukurahundi* is a Shona word which refers to the rains that sweep away chaff before the spring rains (Chimhundu 2001:337).

Nkomo (1984) argues that blaming PF-ZAPU for fuelling the ZIPRA insurgency because of its electoral loss, was ZANU-PF's smokescreen for its quest for total supremacy. Even in the Commonwealth-monitored Assembly Points set up to accommodate the ZANLA and ZIPRA guerrillas, cases of violence were not uncommon (Mashingaidze 2005:84). Negotiations and mediation could have been used to deal

with the differences but ‘plunder became Mugabe’s means to power’ (Meredith 2002). The ZANU-PF government’s strategy has invariably been ‘one of terror and intimidation rather than development’ (Hammar and Raftopoulos 2003:5). While the Smith regime had brutally suppressed dissenting voices, Mugabe himself also viewed opposition politics as war (Tekere 2007: 155).

5.4.1.2 The ZANU-PF anti-PF- ZAPU hate speech

ZANU-PF’s public hate speech against PF-ZAPU and its leadership at independence was a manifestation that it was gunning for a showdown. Addressing a rally at White City Stadium in Bulawayo in 1980, Enos Nkala, the then Minister of Home Affairs castigated Joshua Nkomo the PF-ZAPU leader as a ‘self-proclaimed Ndebele king’ who had to be crushed (Meredith 2002:233). Addressing the same rally Tekere assured that there was every reason ‘to crush such a big megalomaniac’ (Astrow 1983: 167).

He declared: ‘(Joshua) Nkomo and his guerrillas are germs in the country’s wounds...they will have to be cleaned up with iodine. The patient will have to scream a bit’ (Tekere 2007:127). ZANU-PF mistrusted Nkomo whom they saw as a dangerous enemy in the camp. Mugabe himself publicly dehumanised Nkomo as a ‘cobra in the house’ and swore that, ‘The only way to deal effectively with a snake is to strike and destroy its head’ (Meredith 2005:621). From then on, Nkomo lost his ‘Father of Zimbabwe’ title and was labelled ‘Father of Dissidents’ (Ndlovu-Gatsheni 2006). Mugabe made clear his determination to ‘deal with this problem quite ruthlessly’ (Thorneycroft 2003). He told the coalition parliament in 1982 that, ‘An eye for an eye and an ear for an ear may not be adequate in our circumstances. We might very well demand two ears for one ear and two eyes for one eye’ (Meredith 2005:622).

This research challenges the notion that there were no alternatives to this ‘sledge-hammer approach.’ Moreover, the research is also wary that early warning systems were not put in place by the guarantors of the transitional framework and that like in the NAZI anti-Jewish holocaust and the Rwandan Genocide, the *Gukurahundi* Massacres were protracted and public, but guarantors of the Lancaster House Agreement especially Britain conveniently looked away for socio-economic expediency. As part of the 1979 transitional Lancaster House negotiations, ‘Britain agreed to provide assistance in Zimbabwe’s military assistance’ (Cameron 2017:4).

The ZANU-PF threats were not mere gunboat diplomacy. Mugabe allegedly secretly contracted 106 North Korean communist instructors to train a special military brigade directly under Mugabe’s command (Meredith 2005). Arguably, the crack battalion was secretly raised because ZANU-PF could not use the newly forged Zimbabwe National Army headed by General Peter Walls, a former Rhodesian

Forces Commander. Research has shown that the arms and dissident problem was just a smokescreen to camouflage the planned military showdown with the Ndebele-led PF-ZAPU (Duri 2010). Mugabe's predecessor, Smith (1997:370-371) argues that ZANU-PF deliberately provoked PF-ZAPU as they spoiled for a showdown, in order to eliminate the entire Ndebele ethnic group and create a one-party State. As evidenced by the indiscriminate killing of, even pregnant mothers, *Gukurahundi's* 'actual target was the civilian Ndebele population' (Cameron 2017:5).

The dismissal of Nkomo from his Home Affairs post on allegations of 'ill health' and the simultaneous arrest and detention of top ZAPU high ranking officials including Dumiso Dabengwa and Lookout Masuku confirmed the suspicions that ZANU-PF was gunning for an onslaught. Nkomo, a coalition government partner and Minister (without portfolio, though), was '...not consulted on security matters' (Nkomo 1984:229).

5.4.1.3 The *Gukurahundi* Massacres: who is to blame?

The *Gukurahundi* Massacres were allegedly a systematic attempt to destroy in whole or in part the Ndebele ethnic group (Hartwell 2015:18; Cameron 2017). An estimated 20 000-30 000 Ndebeles in Matabeleland and the Midlands Provinces were butchered (CCJP 1997; Smith 1997:382) by the State-sanctioned 5th Brigade. According to O'Grady (2016:10), 'If not a genocide, it was certainly ethnic terror.' Ironically, though yet to be accounted for, the results are public domain but the course and the agents and purpose have remained a matter of conjecture.

Eppel (2005:44), a human rights activist and forensic anthropologist identifies PF-ZAPU, ex-Rhodesians, apartheid South Africa and ZANU-PF as parties to this 'dissident problem.' She however convincingly blames ZANU-PF for the massacres. She argues that the 5th Brigade atrocities were exacerbated by security sector brutalities in the region (2005:45). Fay Chung, a ZANU-PF Minister of Education and former freedom fighter queries that, if the 'dissident problem' was a national security concern, as the world was made to believe, the national army would have, after full government consultation, been deployed to deal with the threat to national interest (2006:315). Cameron (2017) argues that the deployment of the crack brigade had little to do with the alleged dissident insurgency, but a ploy to entrench ZANU-PF's hegemony. This explains why Nkomo's plea for peace to the Mugabe regime soon after the commencement of *Gukurahundi* was ignored (Cameron 2017). Mugabe (1981) confirms the need for firmness and intolerance to opposition.

Early warning signs like the ZIPRA-ZANLA clashes in Bulawayo between 9 and 10 November 1980 should have prompted the State to take appropriate measures (Ranger 2010). Moreover, the 5th Brigade was exclusively Shona-speaking and completely detached from the newly integrated Zimbabwe

National Army in terms of uniforms, code of conduct, weaponry, flag and communication (Alexander *et al.* 2000:191; Cameron 2017). Its commander, the incumbent Air force of Zimbabwe Commander, Perence Shiri, an ex-ZANLA guerrilla was appointed by Mugabe (Meredith 2005:620).

Alexander *et al.* (2000:181) also convincingly argue that the insurgency was a ZANU-PF creation due to the ‘distrust within’ ZANU-PF and PF-ZAPU and their guerrilla military wings integrated into the Zimbabwe National Army. The controversial discovery of arms caches on a farm linked to PF-ZAPU, on February 7, 1982, twenty miles north of Bulawayo presented ZANU-PF with an alibi to strike. This shows the interplay among Galtung’s three forms of violence and the claim that power accrues to the men of violence (2004).

At the peak of *Gukurahundi*, ZIPRA cadres were forcibly demobilised from the newly forged Zimbabwe National Army (Ndlovu-Gatsheni 2003 cited in Mazarire 2013:77). It is, however, unclear as to why ZANU-PF did that, and whether the ‘dissidents’ were using violence in an attempt to seek either political recognition and legitimacy or self-defence and survival. If ZANU-PF officially recognised the ‘dissidents’ as real insurgents linked to ZIPRA and PF-ZAPU leadership, as the world was made to believe, then there was need to give them a platform and voice in order to hear their grievances and address them accordingly. According to Elworthy and Rifkind (2006:63), ‘giving a voice to insurgents could minimise their desire to create more violence and attack a system that excludes them.’

The issue of who is guilty for the *Gukurakundi* Massacres continues to attract attention as new evidence continues to emerge. Alexander *et al.* (2000:189) acknowledge that the ‘dissidents’ had links with PF-ZAPU but had no definite agenda. Alexander *et al.* (2000:196) argue that:

For many, becoming a dissident was perceived primarily as a means of protecting one’s life, a response to patterns of government repression and friction within the army. Often the decision to flee or demobilise was not initially a decision to take up arms again, and very rarely was the decision to take up arms politically motivated. Many of those who became dissidents were unaware of wider political developments. Though far from an orchestrated rising, the dissident phenomenon was certainly aided by the availability of guns and began to snowball as the chances of finding others ‘in the bush’ increased.

It is noteworthy that the ‘dissidents’ have often been portrayed as innocent victims thrown to the deep end by circumstances. Such sympathy has tended to whitewash their acts of violence on vulnerable innocent citizens.

Alexander *et al.* (2000:192), insist that this ‘grotesquely violent campaign’ which began at the end of January 1983 was systematic. They argue that, ‘Concentration-cum-torture camps’ manned by the CIO and army were set up at various centres in Matabeleland between 1982 and 1984, with the largest at

Bhalagwe in Kezi (Alexander *et al.* 2000:190). Food reserves were pillaged and the Ndebele were forced to adhere to strict curfews and to attend all night vigils. At these vigils, they were beaten and forced to speak ChiShona, chant anti-ZAPU and Nkomo slogans, buy ZANU-PF cards and sing ZANU-PF songs such as *Zimbabwe ndeye ropa* (Zimbabwe was born and sustained by bloodshed) (Mukonori 2012:79). Public sexual harassment was rampant (Cameron 2017). This violence somatically hurt the victims to the point of hopelessness or even killing. In *Tears of the Dead*, Werbner (1992:161-2) records soul-searching testimonies by *Gukurahundi* victims who describe the operation as an 'evil without humanity' which swept away the (Ndebele) rubbish.' *Gukurahundi* has become the new fault line that defines the Ndebele-Shona erstwhile hostile ethnic relations (Muchemwa 2016).

The State's continued silence on *Gukurahundi* has fuelled further controversies. In an ironic twist of finding blame, Mphoko (a Ndebele and one of Mugabe's two Vice Presidents) attributes *Gukurahundi* to a Western conspiracy to destabilise Southern Africa (Sasa 2015:1). The alleged Western conspiracy theory was part of the Cold War matrix aimed at containing the spread of communism (Sasa 2015:4). Recent research has implicated Britain for its 'policy of wilful blindness towards the (*Gukurahundi*) atrocities' (Cameron 2017). It is alleged that the British wilful neglect of *Gukurahundi* was motivated by, inter alia, her vested interests in Zimbabwe such as 'determination to maintain good diplomatic relations with Mugabe so as to protect their significant British economic and strategic interests in southern Africa' (Cameron 2017: 15).

Mphoko's 'impeccable evidence' has not only exonerated Mugabe, whom he describes as 'a God-fearing, highly cultured, intelligent and committed professional' (Sasa and Mkwate 2015), but has also 'answered' the 'who' and 'why' questions about the *Gukurahundi* Massacres. Such revelations should be put to the test; they offer entry points for further research on what happened and the way forward. The conspiracy theories and fabricated arguments made by the Mugabe regime have, for now, wished away the 'moment of madness.'

Figures 5. 4 (a) and (b) below show that continued failure to bring closure to the *Gukurahundi* atrocities has sustained the Ndebele-Shona ethnic tensions. As noted by Yoder (2005: 13), 'Undressed traumas affect not only those directly traumatised, but their families and future generations.' The emergence of secessionist movements in Matabeleland and violence when Highlanders Football Club (a predominantly Ndebele loses to a Shona team) can be viewed as a manifestation of the undressed *Gukurahundi* traumas.

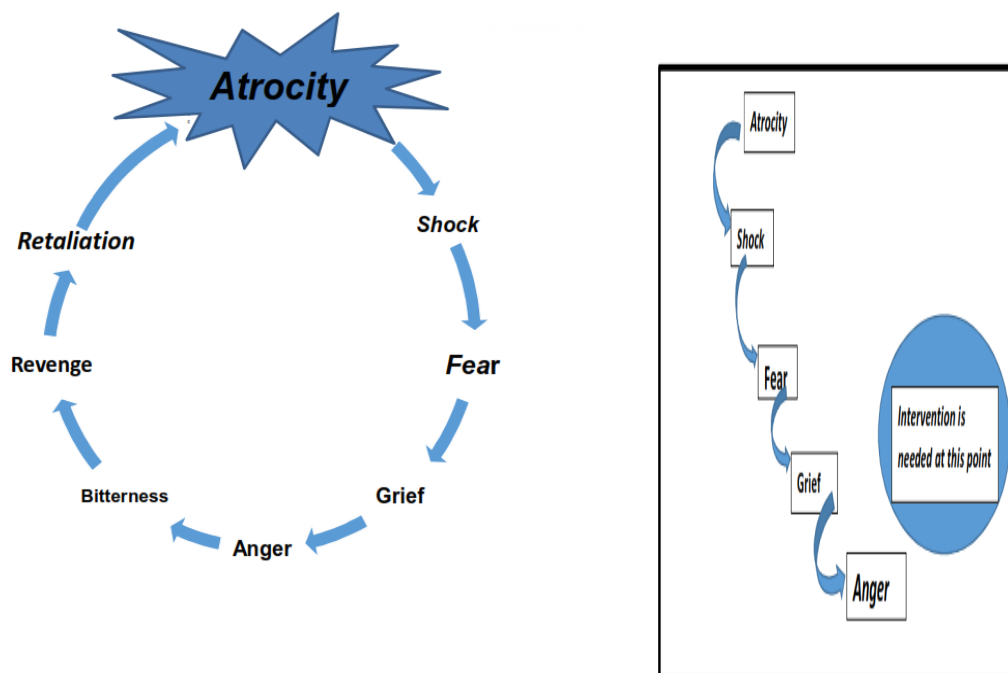


Figure 5.4 (a) and (b) cycle of violence and point of intervention respectively.
Source: Elworthy and Rifkind 2006:44-45)

5.4.2 The Fast Track Land Reform Programme, 2000-2015

All for nothing? This thought-provoking book title by Tracey (2009), a commercial white farmer and victim of the 2000 farm invasions in Zimbabwe, sums up the plight of both the farmers and their labourers. The Fast Track Land Reform Programme (FTLRP) in Zimbabwe in 2000 has also been described as *jambanja* (ultra-violence) because it was characterised by a series of partisan and violent invasions of white-owned commercial farms (Sachikonye 2004: 1-18). Hammar and Raftopoulos (2003: 8) note that ‘despite the scepticism about ZANU-PF’s recurring political manipulation of the ‘land question’ since independence, the persistence of racialised patterns of inequitable land distribution and use in Zimbabwe prior to 2000 made the ruling party’s assertions of the need for radical land reform difficult to dispute.’ The FTLRP was ‘justified as an expression of Zimbabwe’s national sovereignty. The FTLRP was, therefore, seen as a just cause in pursuit of the Lancaster House Agreement’s ‘unfinished’ land question business.

Over 6,000 white commercial farmers owned about 40% of prime land, with 8 500 African small scale commercial farmers owning a paltry 4% and the rest estimated at 700,000 subsisting on 42%, most of which was marginal land (Sachikonye 2002 cited in Hammar and Raftopoulos 2003:8). By 1979, whites consisted of only 5% of the population, with only 4,500 farmers, but owned 70% of the fertile land

(Agyeman-Fisher 2014). The Lancaster House Agreement produced both winners and losers: the minority whites in Zimbabwe, particularly the commercial farmers emerged more privileged than before.

5.4.2.1 Transitional justice and the Zimbabwean land question

This research focuses on the violent dimensions of the controversial FTLRP. It focuses on the *why* and *how* aspects in order to examine how the methodology used turned what was supposed to be a transitional justice process into a political event. Tracey's *All for Nothing?* (2009) may be so soul-searching in terms of the wholesale and indiscriminate land seizures, but the white farmers are also partly to blame. For twenty years into independence, they sustained skewed land imbalances and considered it business as usual at the expense of the poor and landless blacks. They produced adequate food for the nation but naturally the continued imbalances remained an active fault line. Tracey's overplaying of the victimhood card overlooks the fact that 'the culture of perpetual victimhood distorts values, and erodes the vital feedback mechanisms of self-criticism, robbing communities of their most valuable asset, the questioning mind' (Elworthy and Rifkind 2006:19-20).

5.4.2.2 The land question as an independence goal

Immediately before the Lancaster House Conference, Mugabe vowed not to prevaricate on the agenda 'to seize the land without compensation from those who stole it, in order to restore it to the people' (*Zimbabwe News* 1979 cited in Tracey 2009:219). The vow was, however, stalled by the peace agreement's stipulation that the white owned land would not be forcibly expropriated for the first ten years. Under the racially skewed principle of willing-buyer-willing-seller, land redistribution was deferred for ten years. Perhaps, this moratorium was crafted to maintain Zimbabwe's breadbasket status in the region, but this good intention had insidious consequences: it sustained long drawn skewed colonial imbalances (Mhanda 2011:210).

Learning from his devastating experience, Samora Machel, the professed Marxist Mozambican President, had particularly advised Mugabe not to lose the farming expertise (Tracey 2009:229). The peace deal has been accused of drawing a line between privileged whites and the land hungry black populace (Mamdani 2008).

In effect, the peace deal did not resolve the land question. It has been convincingly argued that the peacemakers deliberately compromised on the land question in order to nurture the fragile and nascent Zimbabwean democracy (Huyse 2003:35-38). Regrettably, without checks and balances to ensure accountability and constitutionalism, the unconditional amnesia later became the breeding ground for violence and impunity soon after independence.

In fact, the land question remained a salient but dormant theme in independent Zimbabwe. Its skewed ownership sustained latent conflict between the new political dispensation and the white commercial farmers. This ‘embedded structural inequality was socially and politically unsustainable and a sure recipe for instability’ (Masunungure and Badza 2010:210). Meanwhile, this emotive issue was soothed by Prime Minister Margaret Thatcher’s Conservative government’s pledge to fund the resettlement and compensation of the affected white farmers, and by the reconciliation pronouncement. This failure to correct the colonial economic injustices sustained structural and cultural violence between the blacks and the minority but privileged whites. In 2000, ZANU-PF was able to successfully use this racially imbalanced land ownership as an excuse to seize commercial farms.

5.4.2.3 The impromptu Fast Track Land Reform Programme

The FTLRP, also code-named *Chimurenga* III was popularised as a continuation of *Chimurenga* I and II (Mugabe 2001). ZANU-PF’s long-term plan was to acquire five million hectares of prime farmland (Derman and Kaarhus 2013:9). However, Mugabe’s long reign, now obsessed with ‘one overwhelming objective: to exterminate the last vestiges of white power, whether political or economic’ sounds populist and punitive (Johnson 2015). This research argues that physical violence meted on the white commercial farmers was fuelled by cultural and structural violence brewed by the opposition’s ‘NO Vote’ in the 2000 Constitutional Referendum. The referendum was destined to give President Mugabe sweeping powers such as disregard for property rights. The indiscriminate use of violence on the white farms, assumed to be the backers of the opposition MDC, and the creation of ‘no go’ areas for the opposition, indicates that ZANU-PF wanted ‘to intimidate the whole country into submission’ (Meredith 2005:639). Therefore, the violent farm invasions were motivated by deep-seated cultural and structural motives. Mugabe (2001:26) told the United Nations Millennium Summit:

In Zimbabwe...70 percent of the best arable land is owned by less than one percent of the population who happen to be white, while the black majority are congested on barren land. We have sought to redress this inequality through a land reform and resettlement programme that will effect economic and social justice...

The use of violence to redress the land question and to win the 2002 elections bred more violence and impunity. The granting of amnesties to perpetrators of violence after every national election may be viewed as a confirmation of the ‘just war theory’ which perceives one’s opponents to be wrong in every respect. Significantly, the land seizures marked the first time in Zimbabwe’s history where property rights were violated (Richardson 2005 cited in Duri 2010:130).

5.4.2.4 The prolonged land imbalance: who is to blame?

Arguably, both ZANU-PF and the white commercial farmers are to blame for not resolving the land question amicably. The appointment of Denis Norman, the former President of the Rhodesia National Farmers' Union, (re-named Commercial Farmers' Union), as Minister of Agriculture in the new political dispensation; was an ideal opportunity to deal with the Lancaster House's unfinished land business. As Minister of Agriculture (1980-85) and later President of the new Commercial Farmers' Union, Norman should have used his advantageous position to initiate the much-needed culture of dialogue, consensus, participation and interdependence. In Simba Makoni, he had an able deputy who could advise him accordingly and having settled in Rhodesia in 1953, Norman a multiple-farm owner should have capitalised on the racial tolerance during Mugabe's formative years, to dismantle the skewed land imbalances (Holland 2008:108).

His confession in 1980 that, 'People are obsessed with the ownership of land...' (Grundy 2007), should have been acted upon. His procrastination until 2007, on the basis of prejudices that productivity was more important than ownership turned out to be a time bomb. White commercial farmers and other whites in post-colonial Zimbabwe continued to live in their 'laager mentality' and enjoyed all the old colonial privileges save for political power (Kaulemu 2011:129). This great opportunity to redress the land question in the stipulated first ten years was unfortunately missed, thereby making the land question more contentious.

In principle, when the moratorium on compulsory nationalisation of land ended, the government enacted the Land Acquisition Act of 1992 to forcibly acquire land for resettlement, but in practice, the status quo remained intact. By the eve of the New Millennium, the land reform momentum had subsided. Less than one million hectares was acquired for distribution during the 1990s and fewer than 20,000 families resettled as the elite acquired farms that had been purchased with the support from Britain (Centre for Housing Rights and Evictions 2001:16). Between 1990 and 1994, the Government of Zimbabwe passed laws that empowered the State to implement accelerated land reform (Zimbabwe Human Rights NGO Forum 2010:8), but the emerging black elite linked to ZANU-PF seemed to have departed from the 'originally declared goals of the national liberation struggle, which encompassed democratic convictions and socio-economic transformation' (Mhanda 2011:210-211). By the 1990s, Zimbabwe had had fallen prey to the African syndrome of having very rich politicians at the expense of the populace (Smith 1997:390).

Lobbying and dialogue can transform such vertical hierarchies into horizontal relations. Norman should have used his CFU and ministerial influence to convince the British government to honour the Thatcher regime's land compensation pledge. The structurally skewed land question could have been resolved

non-violently. The financial assistance received by Zimbabwe from various concerned governments, including Britain, amounting to £44 million through a 'land resettlement grant' and budgetary support since 1988 was allegedly either embezzled or used to buy marginal land (Human Rights Watch 2002). The grants dried up with the advent of the British Labour Party in 1997, leaving the land tenure imbalances unabated (Tomczak 2008).

Mugabe's failure to account for the grants and the subsequent farm invasions stalled the London-Harare diplomatic relations. As the world drew up the New Millennium goals and resolutions, ZANU-PF was fumbling with violent farm invasions as a way of masking its mounting man-made socio-economic woes such as rising inflation, unprecedented strikes and food riots. In addition, ZANU-PF had to contend with the growing pro-democratic demands for good governance. The impromptu land seizures temporarily diverted the suffering masses' anger away from the ZANU-PF government and also gave ZANU-PF an opportunity to revive its relationships with the former liberation combatants. The violence became systematic as senior ZANU-PF officials and security officers mobilised and sponsored the invaders (Meredith 2005:637-638).

Borrowing heavily from Karl Marx's maxim that 'revolutions are the locomotives of history,' ZANU-PF has remained steadfast that the end justifies the means. In pursuit of 'total independence,' through the indigenisation trajectory, violence in all its forms became ZANU-PF's ideal tool. The aggressive and often violent fast track process forced white farmers and their workers to leave their farms empty handed.

The state-engineered propaganda repeated in refrains such as '*Land is the Economy and the Economy is Land*' and '*Zimbabwe will never be a Colony Again*' (Mugabe 2001:171) deceived the those less educated and partisan state security forces. The military in particular coordinated the systematic land grabs led by war veterans and the youth militia. True to Galtung's (2004) claim that 'power also accrues to the men of violence,' Chenjerai Hunzvi and Joseph Chinotimba, notorious for acts of violence in the 1990s, assumed the reins of power of the newly forged Zimbabwe National Liberation War Veterans' Association (ZNLWVA) Ironically both have questionable liberation war credentials. Hunzi renamed himself 'Hitler' while Chinotimba self-styled himself 'Commander-In-Chief of White Farm Invasions' (Sherwell 2001).

Bolstered by the youth militia known as the 'Green Bombers,' ZNLWVA evolved into a *de facto* reserve military force and committed gross human rights abuses in the name of 'political matters.' There are vivid chronicles of how from one farm to another, the white farmers and their workers were subjected to physical and psychological violence by gangs acting with impunity. Inevitably, farm workers were

not spared; they were assaulted, kicked and whipped; men were abducted, women raped; their houses ransacked and destroyed (Godwin 2010). They were rounded up for ‘re-orientation’ on the revolutionary values, during all-night vigils where MDC activists were named and tortured. Hartwell (2015) estimates that 400 000 black farm workers and their families were punished, tortured and displaced for collaborating with white ‘masters.’ Such indoctrination is reminiscent of Mao’s infamous ‘cultural revolution’ (MacFarquhar 1974) and ZANU’s coercive strategies during *Chimurenga II*. Structural violence prevailed as in ZANU-PF party bosses and the security forces got the spoils while MDC supporters were explicitly banned from receiving the loot.

Direct violence, lawlessness and impunity were condoned because they were fed by structural and cultural violence. Johnson (2015) testifies his chilly encounter with white farmers ‘physically trembling with fear of the ZANU-PF thugs who were waiting at the gate to their farm; and it wasn’t long before they were gone – driven out by sheer intimidation. They died not long afterwards.’ What a traumatic experience! Derman and Kaarhus (2013) trace and explain how in the shadow of this man-made crisis, the victims traversed into neighbouring countries and beyond. After the murder of David Stevens, the first white farmer to be killed in the FTLRP, Mugabe warned the invaders not to kill but ‘hit wildly’ (Middap 2000). Ironically, the police remained ‘apolitical.’

Mugabe was determined to expel all the whites *en masse*. He declared:

Our present state of mind is that you are now our enemies, because you really have behaved as enemies of Zimbabwe and we are full of anger. Our entire community is angry and that is why we now have the war veterans seizing their land.... Our party must continue to strike fear in the hearts of the white man, our real enemy.... The white man is here as a second-class citizen. The only man you can trust is a dead white man.... They are free to go. We can assist them by showing them the exit We say no to Whites owning our land and they should go’ (Meredith 2005:642).

The claim that Mugabe should be justified for correcting a racially imbalanced and overdue land tenure sounds so plausible, but two wrongs cannot make a right. The benefits of the violent land redistribution cannot be comprehensively condoned, for two key reasons. Zimbabwe is mainly using the American dollar as its currency and commercial farming has been replaced with subsistence production. In addition, Zimbabwe has not been able to beat targeted sanctions imposed by the West on Mugabe and his cronies because of gross abuse of human and property rights (Agyeman-Fisher 2014). This research argues that the impasse between London and Harare could have been resolved through nonviolence. Once again, we are reminded of Winston Churchill’s popular maxim that, ‘The terrible ifs accumulate.’ If the latter, as the complainant had adhered to lobbying through the legal route, a winning formula could have been crafted. In sum, the mounting socio-economic woes which have driven many out of the country and the country’s international isolation is a result of Mugabe’s dictatorship.

Chung, a veteran ZANLA cadre's sentiments on the chaotic land reform are worth noting. She argues that land redistribution must not be based on race, but nationality and commitment (2006:336).

5.4.2.5 The land reform and the disregard for the rule of law and constitutionalism

Despite his acknowledgement of the UNs' declaration of the year 2001 as the 'Year of Dialogue between Civilisations,' Mugabe did not explore nonviolence options. Tracey (2009) testifies how traumatising the land invasions were to the entire affected communities, particularly women and children. A one-month ultimatum to vacate empty-handed was decreed, yet Mugabe had told the World Summit on Sustainable Development in Johannesburg in 2002 that each white farmer would retain 450 hectares (Tracey 2009:287).

The invaders cut off communication networks and barricaded roads leading off the farms to instil more psychological fear on the victims (Tracey 2009: 283-284). More nerve breaking cases of scorched-earth policies such as murder, rape, arson, kidnapping, torture, infanticide, looting of valuables and stock rustling or slaughter were committed with reckless abandon (Tracey 2009: 283-284). These horrible incidents were widely televised by the BBC and in the USA before the passing of the Access to Information and Protection of Privacy (AIPPA) on January 31, 2002. AIPPA was a legal instrument by ZANU-PF designed to muzzle independent media reporting in Zimbabwe, and limit civil society space (Media Institute of Southern Africa 2004:1).

AIPPA, which presided over the closure of the independent media, was preceded by the Broadcast Services Act of April 3, 2001 and the Public Order and Security Act (POSA) of January 10, 2002. The BSA gave ZANU-PF exclusive control over broadcasting while POSA an incarnation of the Smith regime's Law and Order Maintenance Act of 1972 put further restrictions on the media and banned public gatherings without police clearance (Media Institute of Southern Africa 2004:2).

These systematic state-sponsored farm invasions heavily compromised the impartiality of Zimbabwe's judiciary delivery system. As the police remained 'interested spectators' in these 'political matters,' the Commercial Farmers' Union, formerly approached the Supreme Court, which duly overturned the government's controversial fast track land seizures. The ruling was however overturned and unruly thugs were unleashed on the 'kill the judges' mission in November, 2000 (Meredith 2005:641). The failure of the police to enforce the High Court ruling shows how deep the security concerns had fallen.

The persecution of white judges especially Chief Justice Anthony Gubbay appointed by Mugabe in 1990 shows deliberate cultural and structural violence for political expediency. The Chief Justice was subjected to intense psychological torture and abuse. During a parliament session, Patrick Chinamasa then Minister of Justice called Gubbay 'disgraceful and despicable' and was publicly accused of 'bias

against blacks' (Blair 2001). Gubbay was advised to step down for his own 'security' (Meredith 2005:641).

The purging and restructuring of the judiciary, which saw the increase in the number of judges in the Supreme Court, marked the demise of the judiciary system in Zimbabwe. This rendered the judiciary dysfunctional. The direct interference with the judiciary can be interpreted as an open manifestation that ZANU-PF had embraced violence, ironically by State security apparatus as an alternative to constitutionalism.

The new judges legalised the controversial land reform to which they were beneficiaries. The terror campaign against the white judges was, therefore, ostensibly tailor-made to weaken the judiciary – the last obstacle to Mugabe's dictatorship. Consequently, Zimbabwe lost respect for the rule of law and constitutionalism. The weakening of the judiciary meant that checks and balances to the executive were trampled upon. Similarly, to other dictators' behaviour, Mugabe too began to totally ignore constitutional and legal barriers, judicial decisions and public opinion (Sharp 2012:6).

The Citizenship Amendment Act of 2001 primarily targeted white Zimbabweans. But as an obvious side issue it also affected their farm workers, most of whom had no proper personal documents which complicated their lives and added to the ease with which they too were brutalised. (Derman and Kaarhus 2013:10-11). Since this Act, the independence of the judiciary has withered severely (Goredema 2004). Even the traditional leadership and the customary law have been politicised by ZANU-PF (Madenga 2011). Section 282(2) of Zimbabwe's Constitution stipulates that 'traditional leaders must not be members of any political party or in any way participate in partisan politics' (2013:110) but the Zimbabwe Chiefs' Council has vowed to support ZANU-PF because of its 'attractiveness' to their cause (Jena 2015:4).

Mugabe had told his annual ZANU-PF Conference in 2000 that white farmers had to lose everything because they are 'devils.' He declared:

The courts can do whatever they want, but no judicial decision will stand in our way.... My own position is that we should not even be defending our position in courts. This country is our country and this is our land.... They think because they are white they have a divine right to our resources. Not here. The white man is not indigenous to Africa. Africa is for Africans. Zimbabwe is for Zimbabweans (Meredith 2005:641).

Such executive pressure on the judiciary and disregard for court jurisdiction is the basis of dictatorship. This cast a dark shadow on both the local and global scene. The International Council of Advocates and Barristers was so concerned that in 2004 it made intensive investigations on the state of justice in Zimbabwe which established that there was gross disregard for the rule of law and justice delivery

system (Tracey 2009:287). But the land reform programme was deemed to be God's case: no appeal. In 2005, all farmland was nationalised, thereby silencing white farmers who wanted to contest the land grab in court. It was deemed irreversible, despite the devastating consequences.

5.4.2.6 The Land Reform Programme: A success or failure?

The tendency of scapegoating others for one's misfortunes usually contributes to a build-up of structural and cultural violence. Mugabe admitted that, '... the farms we gave to people are too large. They can't manage them' (Hungwe 2015). The revelation that most of the new farmers 'are just using one third of the land' confirms the claims that "prime land was handed out to his political allies and many of the beneficiaries were not given the equipment or training to farm productively, leading to the collapse of the agriculture-based economy' (Hungwe 2015).

Unfortunately, Mugabe seems oblivious of the debilitating effects of his government's policies on the economy by urging other African states to follow his 'shining' example in redressing colonial imbalances. He bragged: We feel that our land has now been liberated. It is now the land of our people for our people (*The Herald* 2005 cited in Masunungure and Badza 2010:211). ZANU-PF coined the slogan: 'Land is the economy and economy is land' to show that the land reform would promote 'economic empowerment, growth and development' (Masunungure and Badza 2010:211). Mugabe proudly stated that:

We had to force them out. We kicked them out ... because it was necessary. It was this goal envisaged by the founding fathers of our independence in Africa. It is important that the dream of African fathers of achieving economic independence be realized. Through the historic Land Reform Programme, the Indigenisation and Economic Empowerment policy and now our economic blueprint, ZimAsset (Zimbabwe Agenda for Sustainable Socio-Economic Transformation), Zimbabwe is now a shining example of what it means to be independent (Gweshe 2015).

There are conflicting views on the feasibility of the FTLRP. Mamdani (2008) and Scoones *et al.* (2010) hail it as a great success. In their 10-year study of 400 households in Masvingo, Scoones *et al.* (2010) justify the rationale and feasibility of the FTLRP. They uphold Mamdani (2008)'s assertion that the FTLRP 'is the world's most comprehensive State-sponsored redistributive land reform of the twenty-first century' (cited in Bernstein 2010). Mamdani, a victim of Idi Amin's racial purges in Uganda, compares Mugabe with his own perpetrator, and concludes that:

What distinguishes Mugabe and Amin from other authoritarian rulers is not their demagoguery but the fact that they projected themselves as champions of mass justice and successfully rallied those to whom justice had been denied by the colonial system. Not surprisingly, the justice dispensed by these demagogues mirrored the racialised injustice of the colonial system (2008).

However, Mamdani (2008) and Scoones *et al.* (2010) concur with Mugabe's critics on the use of 'violence, which included deadly attacks on white farmers and those accused of supporting the opposition, and the corruption associated with the allocation of some farms' (cited in Winter 2010).

Critics of the FTLRP regard it as a political gimmick. One such academic critic is Terence Ranger. Ranger, a victim of colonial censorship because of his liberal views, criticises the use of violence. Ranger (2008) criticises Mamdani for condoning Mugabe's populist dictatorship. Mamdani and Scoones *et al.* also tend to gloss over the gross human rights violations and corruption epitomised by the term *jambanja* (ultra-violence). Mhanda (2011:211) laments that 'rather than the seized land being given to the peasants, and contrary to ZANU-PF's claims, the key beneficiaries were the political and military elite and senior bureaucrats.' The new political elite is fully aware of the glaring contradiction between popular expectations and their ill-gotten affluence, hence the incessant use of populist policies. The land question is still an unfinished business; 300 000 families need to be resettled, yet the privileged ZANU-PF elite, including three year olds own multiple fertile farms (Sigauke 2015:10). The fate of 300,000 former farm workers is another controversial land reform issue (Msipa 2015:164).

A land audit may, therefore, be necessary to resolve the imbalances and enhance sustainable land husbandry and utility. New forms of structural violence can be noted; mere 'offer letters' guarantee no security to both the State and the beneficiaries since the 99-year leases do not make the farms either bankable or transferable. Moreover, the issue of multi-farm ownership brews latent feuds between the ZANU-PF elite and the wretched masses. Even Mugabe has noted with concern that large farms given to black farmers are simply used as symbols for status. They are unproductive. He has lamented: 'It has turned out now that quite a good number of those who got farms on the A2 system are not running them. The farms require huge capital and good management, they do not have it, but they are a status symbol to many' (*NewsdzeZimbabwe* 2015:1). This research argues that the land reform must be audited and regularised to ensure productivity.

The Zimbabwean Constitution (2013:113-115) is very clear about the irreversibility of the FTLRP and the need to establish a Zimbabwe Land Commission. However, Mugabe has usurped this moratorium through his renewed threats to grab all farmland and safaris owned by the remaining 300-400 white farmers (Gweshe and Charumbira 2015). His threats are indeed a cause for concern to the victims, who for 15 years have endured the continued onslaught. This sustained victimisation has adverse effects on production and investment. Understandably, if the land reform was addressed through nonviolence and soft power, a win-win outcome could have been yielded.

In a recent development, beneficiaries of the FTLRP are being required to pay extra land rentals in order to help compensate former white commercial farmers. Furthermore, a proposed land audit is indeed an acknowledgement that the land reform failed to make use of dialogue but just steamrolled ahead unilaterally. The Lands and Rural Resettlement Minister, Mombeshora acknowledges the need account for the land reform. He bemoans that, ‘...we realise that some people are either not fully utilizing the land or have not taken occupation of the land they got...’ (Murwira 2016). Ostensibly, the controversial ‘Command Agriculture’ scheme launched by the Government in 2016 was motivated by perennial poor harvests.

5.4.2.7 The land question: new revelations

The Zimbabwean land question is far from being over. Boris Johnson (2015), the former Conservative Party Mayor of London and now Foreign Minister hails Mamdani’s contention that Britain’s Labour Party’s refusal to accept the responsibility to adequately fund the land reform caused the FTLRP. Johnson (2015) charges that, ‘It was that betrayal of Lancaster House that gave Mugabe his pretext to launch his pogroms against the whites.’ These allegations reflect the structural and cultural violence perpetrated by Blair’s Labour government by reneging on its predecessor’s compensation pledge. The Blair regime’s ‘insincerity’ has been likened to ‘throwing away both the baby and the bath water’ (Zindoga 2015:7).

Johnson (2015) reveals that, ‘We turned our backs on the very people who were actually indispensable to the economic well-being of Zimbabwe, and Labour essentially allowed Mugabe to launch a racist tyranny.’ Perhaps, basing his assertion on the philosophy that ‘evil prevails when good people do nothing,’ Johnson charges that, ‘It was Labour (party’s) betrayal of the Lancaster House Agreement – driven by political correctness and cowardice – that gave Mugabe the pretext for the despotic confiscations by which he has rewarded his supporters’ (2015). In addition to the revelation that Blair and the Labour Party’s failure to act promptly and decisively turned out to be a ‘special contribution to the tyrant’s longevity in office,’ Johnson has also consciously or unconsciously proved that the state of ‘correctness’ or ‘cowardice’ can trigger structural or cultural violence. Galtung (1996) confirms that inaction causes structural and cultural violence, as people keep speculating about the state of affairs. Zimbabwe’s renewed plea and ‘preparedness’ to re-engage Britain and chill the emotional heat stoked the violent land seizures and marked the dawning of a new era in diplomatic relations.

The incumbent Finance Minister, Chinamasa’s plea that, ‘We cannot move forward by remaining in the past’ (UK Bureau 2016) can be regarded as an official admission that the land reform programme was flawed. This research follows with keen interest how Johnson the new British Foreign Minister will

handle the stalled London-Harare relations in general and the land question in particular. As noted above, Johnson criticised the Labour Government for being complicit in creating Mugabe's tyranny and demonised Mugabe for running down Zimbabwe through his gross mismanagement and abuse of power. These revelations resonate with the popular Zimbabwean land question narrative which says the beleaguered Mugabe had to resort to the unresolved land question as a survival trump card (Mukonori 2008 cited in Holland 2008:131).

5.4.2.8 The way forward

Ironically, the land is now in the hands of its rightful owners but the land question still remains 'unfinished business.' The multi-farm ownership, gross underproduction, lack of basic infrastructure and general poverty are some of the challenges yet to be addressed. In sum, despite the initial praise of the program by some authors, Mugabe's unplanned and vindictive land redistribution program has destroyed agriculture – a sector that has served as a source of exports and jobs for the nation (Sauter 2012). In the shadow of this man-made crisis, deepening and gnawing poverty has severely savaged displaced farm workers, most of whom had to traverse into the neighbouring countries in search of ever elusive greener pastures (Derman and Kaarhus 2013:10). In 2008, the UNDP estimated that at least one million Zimbabweans, including 200 000 farm workers and their families lost their homes and livelihood (cited in Derman and Kaarhus 2013).

5.4.3 Putting the cart before the horse: 'From Operation *Murambatsvina*' (Operation Restore Order) to 'Operation *Garikayi/ Hlalani Khuhle*'

Mugabe's propensity for violence as his 'stock-in-trade' manifested again in 2005 when he embarked on a brutal urban 'clean up' campaign code-named 'Operation *Murambatsvina*' (Operation Restore Order). The State-initiated urban 'clean up' campaign started on May 19, 2005. It was followed by the unplanned 'Operation *Garikayi/ Hlalani Khuhle*' on July 27, 2005. This was another case of putting the cart before the horse; as the government destroyed existing structures before building new ones. ZANU-PF has a knack for 'destroying in order to build.' Many people were left homeless and destitute. Like in the Fast-Track Land Reform Programme, an orgy of violence characterised 'Operation *Murambatsvina*,' a militarised operation which destroyed 700 000 urban homes, sources of livelihoods, and displaced more than 2 400 000 people (United Nations 2005). *Murambatsvina* is Shona word meaning 'no to dirt' (Godwin 2010). However, the 'dirt' implied here related directly to persons or structures perceived to oppose ZANU-PF's hegemony (Duri 2010).

'Operation *Murambatsvina*' decreed by the Chairperson of the Harare Commission, Sekesai Makwavarara, on May 19, 2005 was a State-sanctioned crackdown (UN 2005:7). The ruthless

demolition can be traced to similar colonial operations that razed whole rural villages to the ground and the obnoxious Regional Town and Country Planning Act enacted in 1976 to prevent vending and trading in urban centres (Mukonori 2012:87).

The victims of *Murambatsvina* unanimously called it ‘Operation Tsunami’ after the violent 2004 Indian Ocean earthquake (Godwin 2010) because of its high speed, drama, timing and ferocity. *Murambatsvina* spread to all Zimbabwean cities, towns and growth points as well as some rural areas until it was abated on July 27, 2005, courtesy of the visit by the UN Special Envoy on Human Settlements’ Issues, Anna Tibaijuka. *Murambatsvina* has also been called ‘the relentless governance by the sword’ (Duri 2010:1) because it was a politically motivated blitz designed to punish supporters of opposition political parties. Duri (2010:2) regards *Murambatsvina*, ‘not as a single and sporadic historical trajectory’ but a fulfilment of the endemic violence in post-colonial Zimbabwe.

The fact that *Murambatsvina* was decreed ‘with little or no warning’ (UN 2005:7); in a winter, when schools had just opened for the second term shows that it was a punitive measure. This defies the logic that, ‘In a crisis, education is the strongest investment that can be made to reduce poverty’ (Bellamy no date cited in Psarayi and Reeler 2012:2). The operation could have been triggered by the urbanites’ overwhelming voting for the opposition, MDC in March 2002. This speculation was confirmed by President Mugabe’s castigation of urbanites as misguided and ‘totemless’ and then Reserve Bank Governor Gono’s call for the re-orientation of the law enforcement systems in fighting post 2005 election corruption and indiscipline in the economy (UN 2005: 12). In the Shona culture, anyone who is ‘totemless’ is ‘devoid of humanity’ (Todd 2007:430). The claim that *Murambatsvina* was motivated by the need to ‘deal with crime, lawlessness, and rebuild and reorganise urban settlements and small and medium enterprises’ has been dismissed as an excuse for the retribution. Duri (2010) regards *Murambatsvina* as the second worst man-made catastrophe in post-colonial Zimbabwe after *Gukurahundi*. He argues that the demolition of informal industries and settlements was a ZANU-PF retributive measure to destabilise the opposition MDC’s urban power base (2010). Sachikonye (2011:26-27) concurs that the real motivation of this man-made disaster ‘was political retribution in the aftermath of the 2005 election which saw the opposition MDC garnering 26 of the 30 parliamentary seats in all major cities and towns.

Mukonori (2012:87-90) refutes the inter-party politics motives, on the basis that it was indiscriminate. He, however, embraces the International Crisis Group’s ‘tipping point thesis’ that the catastrophe was a culmination of the increase in urban demography at 5% per annum, high inflation especially after the unbudgeted compensation of war veterans in 1997, the costly Democratic Republic of Congo war in

1998, the controversial fast-track land reform in 2000, recurring droughts and targeted sanctions by the West (cited in Sachikonye 2011:27).

The argument that *Murambatsvina* was motivated by fear of possible civil unrest has been consistent (Moore and Raftopoulos 2012). State security forces led the operation. Mutasa the then Minister of State Security and Land, declared in August 2002, when Zimbabwe had a population of 13 million people that, 'We would be better off with only 6 million people, with our own people who support the liberation struggle. We do not want these extra people' (Todd 2007: 430). Even the Police Commissioner General, a professed ZANU-PF activist, chided the victims of *Murambatsvina* as parasitic 'maggots' (Todd 2007: 430).

Chung (2006) and Schmidt (2013) trace such direct politically motivated violence in independent Zimbabwe from the colonial era. Duri (2010:4) further argues that, while the arms 'caches and dissidents' presented ZANU-PF with *casus belli* to unleash *Gukurahundi* in 1982, urban 'squalor and vice' became the alibi to purge the MDC strongholds before the 2008 elections. There is discernible continuity from *Gukurahundi* to *Murambatsvina*; both terms literarily mean cleansing and, in both cases, ZANU-PF used extreme violence to maintain political hegemony. Both *Gukurahundi* and *Murambatsvina* were arguably designed to kill ZANU-PF opponents. Todd (2007:433) regards the winter timing, the school calendar and deprivation of food, shelter, clothing and livelihood as a death intention.

The punitive nature of *Murambatsvina* was quite clear; ZANU-PF had nurtured the informal sector in order to mitigate the effects of the Economic Structural Adjustment Programme in 1994 (Duri 2010). The response of the government to the criticism made by the UN Special Envoy and Civil Society bears testimony to the fact that Operation *Murambatsvina* was direct violence motivated by cultural and structural violence. When humanitarian agents offered tents to the victims of *Murambatsvina*, George Charamba the Presidential spokesperson remarked that Zimbabweans are not 'tent people' (Mukonori 2012:91). This shows the operation was a planned punitive measure against the opposition supporters. This proves that Operation *Garikai/Hlani Kuhle*, an arrangement for alternative accommodation was an afterthought.

Once again, ZANU-PF put the cart before the horse. Operation *Garikai/Hlani Kuhle* had not even been budgeted for. The government could not produce evidence of the Operation *Garikai/Hlani Kuhle* blueprint upon request by the UN Special Envoy (Marwizi 2005 cited in Duri 2005). A three trillion (Zimbabwe dollar) budget was then hastily mobilised to develop 250 000 residential stands across the

country (Duri 2010). The *Garikayi/ Hlalani Kuhle* programme neither addressed the ills of *Murambatsvina* nor benefitted the victims. The UN (2005:7) reports that:

Many victims were made homeless, without access to food, water and sanitation, or health care. Education for thousands of school age children has been disrupted. Many of the sick, including those with HIV and AIDS, no longer have access to care. The vast majority of those directly and indirectly affected are the poor and disadvantaged segments of the population.

To date, the victims of *Murambatsvina* are deeper in poverty, deprivation and destitution, and have been rendered more vulnerable to the whims of the perpetrators. The government's appeal to the state security forces to 'stop harassing vendors' (Chikwati 2015:1) is another case of 'too little too late.' The urbanites – ZANU-PF divide has polarised, yet the latter has invariably rubbed salt into the fault lines, instead of maximizing their geographical proximity to engage and find each other.

Through *Murambatsvina* and *Garikayi/ Hlalani Kuhle* operations, ZANU-PF fought the poor and not poverty. Operation *Murambatsvina* has entered the annals of history as 'one of the biggest human displacements of any urban settlement in Zimbabwe's history outside a natural disaster' (*The Zimbabwe Independent* 3 June 2005:5 cited in Duri 2010:36). This man-made disaster qualifies as what Chung (2006:327) calls the 'survival of feudal and settler – colonial institutions after independence.' Many Zimbabweans are still homeless and jobless while ZANU-PF stalwarts continue to live in luxury. There are also cases where beneficiaries are facing eviction (Mushava 2016).

Therefore, ZANU-PF's disdain for the urbanites can be traced to the liberation war; the rural villagers were, in Mao's guerrilla warfare strategies viewed as the 'sea' and the guerrillas, the 'fish' swimming in the sea. This symbiotic relationship which in principle was based on mutual and common goals transcended into the post-colonial era, mainly because the country side which had borne the brunt of the war as the main theatre could be easily manipulated into an 'electoral reservoir.' On the contrary, the urbanites' scepticism to vague and populist top to bottom policies such as 'scientific socialism' and the one-party system in the 1980s, ESAP in the 1990s and the current ZIMASSET have always been seen as 'sell outs' corrupted by the white man's 'sweets.' This bone of contention has been a crucial determinant in the polarisation between ZANU-PF and its rural backers (also known as no go areas) and the emerging opposition parties especially the MDC.

The growth of urban militancy, aptly referred by Chung as 'fighting fire with fire' has courted more violence, as ZANU-PF uses such periods of '*laissez faire* violence' to settle 'old rivalries and old scores' (2006:312). In a sense, the ZANU-PF government has since 1980 been a 'conflict entrepreneur.' Operation *Murambatsvina* was thus a deliberately calculated crackdown to drive people from urban opposition strongholds to ZANU-PF's rural strongholds. Contrary to President Mugabe's 'wish and

vision' that: 'From the mess should emerge new businesses, new traders, new practices and activities and a whole salubrious environment' (*The Herald* 2005 cited in Musemwa 2010:185), the socio-economic situation in Zimbabwe has continued to deteriorate while the culture of State-sponsored violence continues unabated. Ironically, Zimbabwe suffered the worst cholera outbreak case in history barely three years after the Operation *Murambatsvina*. Musemwa (2010:184) concludes that:

Although the rationale behind Operation *Murambatsvina* was couched in hygienic and benign terms, such as the creation of a salubrious environment, it was by and large a politically-motivated exercise ostensibly crafted to reduce the numbers of people in the overcrowded urban areas whose political sympathies were purported to lie with the MDC.

5.4.4 'Our Guns and Votes are Inseparable Twins': Electoral Violence in Independent Zimbabwe

Our votes must go together with our guns. After all, any vote we shall have shall have been the product of the gun. The gun which produces the vote should remain its security officer – its guarantor. The people's votes and the people's guns are always inseparable twins (Mugabe 1981:100).

This wartime militancy, which evolved from the Sikombela (Prison) Declaration (1965), in which the nationalists resolved to fight fire with fire, has been invoked in successive elections to remind the electorate that ZANU-PF carries the burden of history. As a consequence, in pursuit of hyper-nationalism and ZANU-PF hegemony, electoral processes in Zimbabwe have routinely been characterised by large-scale state-sanctioned violence and displacements (Mungoni 2010:231). The labelling of political rivals as 'sell-outs,' a tactic used to discredit opponents in the 1960s has been re-lived to justify and legitimise state-sanctioned violence on perceived opposition supporters (Scarnecchia 2008). Winning and losing elections has become 'a matter of bread and butter' in independent Zimbabwe (Kaulemu 2008:43).

Post-colonial Zimbabwe has a chequered electoral history yet initially ZANU-PF never believed in electoral processes. It is interesting to note that ZANU-PF's insistence since 1976 that 'votes and guns are inseparable twins' was informed by their deep-seated belief that, 'the so-called free and fair elections (based on one man one vote) will never and can never be truly free and fair' (*Zimbabwe News* 1979 cited in Tracey 2009:219). Since the watershed transitional elections in 1980, national and local elections have been regular but disputed. This research seeks to investigate why political violence has been a trademark of Zimbabwe's elections and how and why it intensified after 2000. Such a body of knowledge is critical in informing possible solutions. Since elections are a formal expression of democratic participation, their credibility therefore determines the legitimacy of the outcome.

According to Diamond's very useful categorisation of electoral democracy, Zimbabwe falls squarely into that category of 'pseudo democracy' regimes that 'have legal opposition parties and perhaps many

other constitutional features of electoral democracy, but fail to meet one of its crucial requirements: a sufficiently fair arena of contestation to allow the ruling party to be turned out of power' (1996:22 cited in Masunungure 2007:3). Electoral violence is therefore a manifestation of the deficiency or absence of freedom of choice, hence, a symptom of oppressive rule (Mhanda 2011:229).

It is imperative to reiterate that the Patriotic Front disintegrated immediately after the Lancaster House Agreement and ZANU and ZAPU contested the inaugural one- man- one vote elections separately. Inevitably, the ZANU-ZAPU separation meant that the birth of Zimbabwe was ill-fated. Thus, ethnicity may not have been the great divide's fault line but remained a salient issue in independent Zimbabwe.

The purpose of this study is not to chronicle what happened in Zimbabwe's post-colonial elections, but an attempt to analyse the alleged electoral violence in terms of Galtung's 'Triangle of Violence Model.' The first comprehensive study of post-colonial elections was done by the controversial Jonathan Moyo, in 1992, partly because it was sheer wastage of time and resources since it was obvious that ZANU-PF would always win.

However, though subtle, the 1980 ZANU-PF's slogan, 'ZANU-PF started the war of liberation, and only ZANU-PF can end the war!' Masunungure (2004:153), together with the songs, jingles and the party symbol, a crowing cock were all elements of belligerency. Tekere (2007: 173) confides that, 'every general election since 1985 has been a virtual war zone, with ZANU-PF invariably the main cause of violence against its opponents.' Chung (2006:328) posits that the post-colonial political polarity that leads to the persecution of opposition parties can be traced directly to the colonial era where state security agents could act with impunity. The consequence has been that, since then, ZANU-PF has used violent elections as a means to seek legitimacy and the mandate to remain in power.

Galtung's Triangle of Violence Model can be used to map the forms of violence characterising the election – related violence in post-colonial Zimbabwe. As usual, it is tempting to point to physical forms of violence such as verbal threats, intimidations, abductions, arrests, beatings, torture, arson and even murder because they are dramatic and visible in terms of both the agents (perpetrators) and casualties (victims). The nature and effects of this visible violence however, tend to overshadow the insidious cultural and structural violence, both as drivers of (visible and invisible) violence and as consequences.

The agents of the physical violence have mainly been the contesting political parties, especially after the emergence of the MDC (in 1999), and the State itself. As noted earlier on, researchers have hitherto shown lukewarm interest in pre-2000 electoral processes in Zimbabwe. The violence ascribed to the pre-2000 elections such as threats, intimidations and shootings (of Patrick Kombayi in Gweru in 1990) by ZANU-PF and state agents has only been recognised in retrospect (Moyo 1992). According to

Magaisa (2016), the brutal shooting of Kombayi, a staunch liberation war sponsor and the first black mayor of Gweru is worth recounting, for four reasons:

- It is a classic illustration of the problem at the heart of post-colonial Zimbabwe's gross failure to stop politically motivated violence;
- It shows how the abuse of executive pardons and amnesties nurtures impunity;
- It testifies the enduring character of violence as a political tool in Zimbabwean politics, and;
- It exposes the conspicuous silence of the international community on State-sanctioned human rights violations in the first decade of independence.

Kombayi's crime was his public criticism of the ill-advised Economic Structural Adjustment Programme and ZANU-PF's one-party State intentions in the 1990's (Magaisa 2016). The *casus belli* was, however, his challenging of the late Vice President Muzenda on a Zimbabwe Unity Movement ticket in 1990. His assailants Edward Kanengoni and Kizito Chivamba, CIO agents were convicted of attempted murder, but a presidential pardon saved them. The pair was further posthumously rewarded; Kanengoni was interred at the National Heroes Acre in 2013 while Chivamba was interred at the Midlands Provincial Heroes Acre in 2017.

Kombayi's never-say-die spirit in the face of adversity is an enduring legacy; he finally made it to parliament as an MDC Senator and self-styled himself 'the Survivor.' He died during reconstructive surgery in 2009. This case study gives a problem situation and provides a possible solution; it shows how ZANU-PF has maintained political violence as a tool in the post-colonial era, and suggests defiance as part of the answer to State brutality albeit so dangerous as to result in death,

Sachikonye (2011:18) argues convincingly that the difference between the electoral violence in Zimbabwe before and after 2000 is that in the latter, violence had been intensified and militarised. It is evident that the pre-2000 electoral violence was latent and subtle; it manifested mainly in cultural and structural forms. Having covered three quarters of the country in military influence, the ZANLA guerrillas who disregarded their ZIPRA counterparts became fixated by the might of the gun (Meredith 2005:625).

Nkomo (1984) and Sachikonye (2011:18) concur that some ZANLA forces who did not join the Commonwealth monitored Assembly Points, coerced the rural populace to vote for Mugabe or face retribution, or resumption of war.

The three forms of violence were used in the 1985, 1990 and 1995 elections, though on a lower scale. For instance, by instructing ZANU-PF supporters during the 1985 elections to 'go and uproot weeds from their gardens' and 'take rotten pumpkins from their patch,' Mugabe used retributive violence

against his opponents. By equating opposition parties to ‘puppies and ZANU-PF to an elephant’ (Sachikonye 2011:18-18), he demonstrated how cultural and structural violence could breed physical violence. This is qualified in his warning that, ‘the puppies could bark as long as they are far away. But the elephant would trample them if they got too near for comfort’ (Sachikonye 2011:19).

Thus, even at the peak of its popularity, ZANU-PF never threw caution to the wind. Using state infrastructure such as the public media, security forces, schools and transport, ZANU-PF has since made it a ritual that before and after elections, the electorate has to abide by the ZANU-PF ideology and agenda. Surprisingly it was during the peak of the ZANU-PF power when its leadership extolled the ‘virtues of violence and its heritage of degrees in violence’ (Sachikonye 2011: xix). The ZANU-PF retribution in the form of hate speech, looting and displacements, has to be condemned as a sign of a lack of generosity in victory, for the common good. The Zimbabweans in general and the Ndebele in particular could not form a formidable opposition party against ZANU-PF, for fear of ‘another *Gukurahundi*’ (Dabengwa 2007 cited in Tekere 2007:162). For challenging ZANU-PF’s *de facto* one party status in 1989, Mugabe declared that Tekere’s Zimbabwe Unity Movement (ZUM) ‘will zoom into doom,’ and it did, mainly through physical and structural violence (Tekere 2007:164-166).

Unlike the previous ones, the post-2000 elections in Zimbabwe were competitive. With the advent of the MDC in 1999, the outcomes ceased to be obvious, thereby forcing ZANU-PF to invoke the war-time ideology of total military mobilisation of the masses. Masunungure (2009:3-4) contends that uncertain electoral outcomes underline democratic principles and hence, make electoral studies worthwhile. It is noteworthy that as elections become vogue in Africa, the electorate has to contend with the contentious electoral processes and outcomes. Joseph (2008:104 cited in Masunungure 2009:4) observed that the African electorate faces a double electoral challenge of ‘securing the right to elect those who will govern them in fair and honest elections, and ensuring that the elected officials do not continue to treat state treasuries as their personal bank accounts.’ The first challenge concerns this study. Since the New Millennium, Zimbabwe has had disputed elections, as the incumbent and the security collude to ‘defy the winds of change’ (Masunungure 2009).

Perhaps, following its role in the FTLRP, the security forces became more conscious as part of the state establishment as well as part of a political hierarchy whose justification to rule for eternity was their ‘unparalleled’ participation in the armed struggle (Bratton and Masunungure 2008:44). Ultimately, the military became ZANU-PF’s willing cannon fodder. Much has been written about the militarisation of the post-2000 elections in Zimbabwe (Alexander and Tendi 2008; Masunungure 2009; Kaulemu 2009; Sachikonye 2011). On the eve of the watershed 2002 presidential election, General Vitalis Zvinvashe,

the then Commander of the Zimbabwe Defence Forces (1994-2003) clearly warned Mugabe's rivals that:

We (the JOC) wish to make it very clear to all Zimbabwean citizens that the security organizations will only stand in support of those political leaders that will pursue Zimbabwean values, traditions and beliefs for which thousands of lives were lost, in pursuit of Zimbabwe's hard-won independence, sovereignty, territorial integrity and national interests. To this end, let it be known that the highest office in the land is a straitjacket whose occupant is expected to observe the objectives of the liberation struggle. We will, therefore, not accept, let alone support or salute, anyone with a different agenda that threatens the very existence of our sovereignty (Zulu 2015).

This declaration which served as the security sector's affirmation of their loyalty and assurance of immunity from any prosecution from their Commander-in-Chief was certainly an affront on democracy, as it could have amounted to an act of treason in a functional democracy. The military is hereby presenting itself as the custodian of the sovereignty of Zimbabwe. Nevertheless, Mugabe confirmed the ZANU-PF-military alliance when he boasted that, 'We shed a lot of blood for this country. We are not going to give up our country for a mere X on a ballot. How can a ball point pen fight with a gun?' (2008). This resonates with his 1976 proclamation that the ZANLA guns and votes are inseparable. Coupled with the 'Win or War' slogan, Mugabe's claims that the 'bullet has replaced the ballot' was tantamount to declaration of war (Zulu 2016). At independence, Mnangagwa the then Minister of State in the Prime Minister's Office also defined the Zimbabwe Defence Forces - ZANU-PF relations as follows:

...our army is taught to support the policies of the existing government, which is a ZANU government. Now the policies of the government are the policies of ZANU. The Central Committee of ZANU is who decides policy and the army is taught to support and propound these policies. So those who are of ZANLA are carrying on the ideologies they were taught before because they are the same ideologies of the government (1981 cited Tendi 2014: 836).

As noted above, the Joint Operations Command (JOC), now a factor in Zimbabwe's power matrix is not a post-colonial creation; but a non-statutory relic from the Smith regime (Smith 1997). Code-named Operation Hurricane, JOC was an *ad hoc* structure set up by the panicking Rhodesian Front to plan and prosecute counter-insurgency against the escalating liberation war (Cillers 1985:14). Mhanda (2011:237-238) contends that the fact that Mugabe gracefully inherited the JOC structure 'is eloquent testimony to the fact that Zimbabwe was never fully demilitarised.' This research argues that as long as JOC continues to hold Zimbabwe in general and ZANU-PF in particular at ransom, no sustainable transitional justice can take place in Zimbabwe. The ZANU-PF government protects the military from any form of criticism. The Minister of Information, Media and Broadcasting Services, Christopher Mushowe, has also reiterated the security sector's immunity to criticism. He warned that, 'A pencil cannot be greater than security. A pencil must know its limits...' (*NewsdzeZimbabwe* 2015:1).

The ZANU-PF party-military alliance can be traced to the liberation war. As informed by their communist backers, both ZANU and ZAPU operated as semi-military organisations. The consequence has been that their respective military wings, the Zimbabwe African National Liberation Army (ZANLA) and Zimbabwe Peoples' Revolutionary Army (ZIPRA) became so 'highly indoctrinated and politicised to the extent that they operated as military-cum-political units' (Ndlovu- Gatsheni cited in Zulu 2015:1). This explains the argument that the Zimbabwean military is not 'interfering in ZANU-PF' but, 'the military is part of ZANU-PF' (Ruhanya cited in Zulu 2015:1).

The military leadership has not made this ZANU-PF-security forces pact a secret. Major General Martin Chedondo's remarks on May 9, 2012, that, 'as soldiers we will never be apologetic for supporting ZANU-PF because it is the only political party that has the National interests at heart,' have been echoed by the Zimbabwe Defence Forces' Commander, General Constantine Chiwenga three months before the July 31, 2013 harmonised elections (Zulu 2015:1). When Tsvangirai, the then Prime Minister in the ill-fated Government of National Unity proposed to meet the security leadership over the issue of security sector reform, Chiwenga (at the helm since 2004) remarked that: 'we have no time to meet sell-outs. Clearly Tsvangirai is a psychiatric patient who needs a competent psychiatrist' (Zulu 2015:1). Ironically, Chiwenga- once described by Vice President Mnangagwa as 'our political commissar' – is being accused of meddling in ZANU-PF factional and succession politics (*NewsdzeZimbabwe* 2015). The military's meddling into the ZANU-PF factional and succession contestations is contrary to the party's guiding Maoist philosophy that, 'party commands the gun, and the gun must never be allowed to command the party' (Mambo 2015:1).

The 2008 harmonised elections can be used to show how the invisible cultural and structural violence feeds into the visible physical violence. Cultural and structural violence was latent but salient in the first round of elections of March 29, 2008 and evolved into the latter prior to the June 27 Presidential run-off. In spite of its public call for a 'peaceful, democratic sovereign Zimbabwe,' ZANU-PF's campaign manifesto unveiled on February 29, 2008 under the theme: 'Defending our Land and National Sovereignty: Building Prosperity through Empowerment,' invoked the promises made before and after independence. Masunungure (2009:64) and Godwin (2010) claim that Mugabe's clenched fist and portrait in olive-green military-type shirt symbolised empowerment. In fact, Mugabe's rallies, broadcast live on national television and radio, centred on warnings against the Kenyan-style electoral violence and name calling of challengers, particularly Tsvangirai and Makoni. This disparaging of political opponents, civil society organisations and socially-conscious religious formations in the name of nationalism and patriotism against Western imperialism, amounted to cultural and structural violence.

The politicisation and transformation of Zimbabwean national institutions, structures and processes into ZANU-PF agents of power monopoly gathered momentum as the 2008 election date drew closer (Kaulemu 2009:32). In fact, by 2008, non-security state organisations and key parastatals such as the Zimbabwe Broadcasting Corporation, Zimbabwe Prisons and Correctional Services, the Zimbabwe Republic Police, the Central Intelligence Organisation, the Zimbabwe Electoral Commission, the National Oil Company of Zimbabwe, the National Railways of Zimbabwe, the Grain Marketing Board, the Department of National Parks and Wildlife, the National Prosecuting Authority and even key ministries were headed by senior military officers. This politicisation and militarisation of virtually all government institutions has been a salient feature in independent Zimbabwe.

The composition of the four institutions responsible for the organisation and management of electoral processes in Zimbabwe, including voter education, has been a cause for concern. The impartiality of the four electoral bodies, namely the Zimbabwe Electoral Commission (ZEC), the Delimitation Commission, the Registrar-General's Office and the Election Directorate is questionable since they are directly appointed by the President (Mungoni 2010:232).

Given this partial and subjective composition, the electoral commission had to see no evil, hear no evil and speak no evil about the intensification of widespread violence. Indeed, ZEC's glaring partiality deserves closer scrutiny. It had kept a lid on the March 29 Presidential results for five weeks and instead of conducting a run-off within the stipulated twenty-one days, it only issued its announcement on June 27, three months later. It made no efforts to bring the contesting presidential candidates and other stakeholders together to define the interregnum framework in terms of human security.

Moreover, the electoral officers, from the presiding officer to the polling officers were all known ZANU-PF members such as war veterans and youth militia. Such structural deficiencies which drew international ire, brewed an orgy of violence, yet ZEC continued to allay fears and assured 'a credible election' (Masunungure 2009:93). Between the March 29 harmonised elections and June 27 Presidential run-off, ZANU-PF used structural and direct violence: The An-Yue Jiang, a Chinese ship carrying a large consignment of Zimbabwean-bound arms was intercepted at the Durban port and throughout Zimbabwe, the army and the ZANU-PF militia unleashed systematic violence codenamed CIBD (Coercion, Intimidation, Beating and Displacement) against Tsvangirai's supporters (Masunungure and Badza 2010).

By destroying the MDC grassroots structures through displacements, rape, torture, beatings and murder at re-invented all-night indoctrination vigils (Tendi 2013), Operation Coercion, Intimidation, Beating and Displacement fuelled the culture of impunity. The period preceding the Presidential run-off was

indeed, 'one of the most traumatic and abnormal political situations in the country' (Masunungure and Badza 2010:221).

The Electoral Commission's work was far from being over, even after Tsvangirai's withdrawal from the race, five days before the June 27, 2008 Presidential run-off, on the basis of escalating state organised violence, ZEC failed to realise the basic principle that it takes 'two to tango'. Tsvangirai, the winner of the first round of presidential elections on March 29, 2008, withdrew from the run-off, citing state organised violence against his supporters (*Zimbabwe Situation* 2016). Oblivious of the futility of a one candidate race, ZEC kept Tsvangirai's candidature on the ballot papers to legitimise the sham election which Mugabe won 'resoundingly' and was immediately crowned. It was an election without a choice as the electorate had to choose between 'Mugabe and Mugabe.' Seeking refuge at the Embassy of the Netherlands, Tsvangirai was clearly intimidated and afraid for his life.

The 'illegality and theft by numbers' of the 2008 Presidential run-off (Linington 2009 and Makumbe 2009) was confirmed by Tsvangirai's claim that, it was 'a violent, illegitimate sham of an electoral process' (Tendi 2013). Once again, the elections were stolen. It is interesting to note that the winter season in Zimbabwe has become synonymous with human rights violations: Operation *Murambatsvina* and subsequent controversial elections have occurred invariably in winter.

As noted earlier on, the electronic media is also a monopoly of the State. Moyse (2009) explores the skewed media environment leading up to the 2008 harmonised elections. In their analysis of independent Zimbabwe's affront on democratic processes, Bratton and Masunungure (2008:44) categorise the Mugabe regime as 'a militarised form of electoral authoritarianism' which has come to rest on 'the interpenetration of two organs of authority: the ruling party and the security forces.'

It has to be reiterated that the post-colonial Zimbabwe State was a fusion of a revolutionary party (ZANU-PF) and its military wing (ZANLA). Like Siamese Twins, ZANU-PF and its former ZANLA forces have remained inseparable. In this matrix, the former ZANLA guerrillas have remained the core of the Zimbabwe Defence Forces with their commanders as the new securocrats, while the political elite has been predominantly ZANU-PF. Consequent to this unholy alliance, the securocrats in the security forces have become an embodiment of institutionalization of the security forces' unrestrained influence in national politics (Bare 2014).

Zimbabwean history is replete with episodes of military interference and manipulation. Using the ZANU-PF cliché that, 'Zimbabwe will never be a colony again,' a Zimbabwe National Army Brigadier-General, David Sigauke publicly warned the electorate to vote for Mugabe. Six months before the March 2008 harmonised elections, he implored soldiers at a pass out parade that Zimbabweans had to

vote wisely and that the army would defend the country's sovereignty, including using the barrel of the gun. He warned:

.... As soldiers, we have the privilege to be able to defend this task on two fronts, the first being through the ballot box and second being the use of the barrel of the gun should the worse comes to the worst. I may therefore urge you as citizens of Zimbabwe to exercise your electoral right wisely in the forthcoming election... 'Zimbabwe shall never be a colony again' (Kaseke 2007).

The catch phrase 'defending Zimbabwe's sovereignty from sell-outs' was coined by Mugabe to mean denying the MDC political power. To maintain the culture of fear and terror, the security forces made more threats to the electorate. Three weeks before the 2008 watershed polls, General Chiwenga, the Commander of the Defence Forces openly warned that being part and parcel of the liberation narration, the Zimbabwe Defence Forces would not accept their Commander-in-Chief's loss to 'sell-outs and agents of the West.' He made a sycophantic announcement that: '...the army will not support or salute sell-outs and agents of the West before, during and after the presidential elections. We will not support anyone other than President Mugabe who has sacrificed a lot for this country.'

The police's 'Zero Tolerance and Violence Free Election' March on the eve of March 29, 2008, was certainly viewed by the public as mere window dressing, given their poor human rights record and partisan conduct. The public is aware of the police's political affiliations: Police Commissioner General, Chihuri is part of the Joint Operation Command which declared never to 'allow puppets to take charge' and the police looked aside as MDC supporters were violated (Zimbabwe Human Rights NGO Forum 2008: 4-5 cited in Masunungure 2009: 71).

Not to be outdone, the Zimbabwe Prison and Correctional Services meddled in the political landscape. Addressing a prison officers' pass out parade, the Commissioner-General of Prisons and Correctional Services, Retired Major-General Paradzai Zimondi ordered them to vote for Mugabe and threatened to resign if Mugabe lost. He said, 'If the opposition wins the election, I will be the first one to resign from my job and go back to defend my piece of land. I will not let it go' (Masunungure 2009:72). Inevitably, such partisan and unprofessional pronouncements from the national correctional services Chief was an abrogation of the Service's constitutional mandate of behaviour change and rehabilitation.

The partisan sentiments from both collective and individual Zimbabwean securocrats fuelled cultural, structural and physical violence. One common ideology shared by both the government and the security forces has been that the violence is an organic reaction to defend the gains of the hard-won independence, the land reform and black empowerment in general. A day before the March 29, 2008 harmonised elections, the securocrats toned down their threats and appealed to all contesting political parties to adhere to peaceful electoral processes. They jointly declared:

May we remind everyone that those who think and do evil must fear, for the defence and security forces are up to the task in thwarting all threats to national security...be warned that violence is a poor substitute for intelligence and that it is a monster that can devour its creator as it is blind and not selective in nature. Such misguided elements should stop this dangerous dreaming... (*The Sunday Mail*, 30 March - 5 April 2008: 7 cited in Masunungure 2009: 72).

At face value, the statement was commendable; however, in practice, the statement was tailor-made to warn the opposition and to justify future physical violence. Nevertheless, the March 29 harmonised elections were, by most accounts ‘reasonably free and fair’ but the outcome became another story of so near yet so far as the winds of democratic change were once again defied by military intervention in the electoral processes (Kaulemu 2009:34).

Hopes for a legal regime change and smooth transition were dashed when the Zimbabwe Electoral Commission finally announced the first-round of the Presidential ballot on May 2, five weeks later. Even the High Court could not make an urgent determination on the matter. Magaisa (2016) describes the High Court’s ineptitude as another illustration of ‘judiciary capture’ phenomenon in Zimbabwe. The much-awaited Presidential results were as follows:

Name of candidate and party	Results (%)
Morgan Tsvangirai (MDC-T)	47.9%
Robert Mugabe (ZANU-PF)	43.2%
Simba Makoni (Mavambo/Kusile/Dawn)	8.3%
Langton Towungana (Independent)	0.6%.

Table 5.1 March 29, 2008 Presidential Elections results

Statistically, this meant that a presidential run-off was required since no candidate had secured at least fifty percent plus one vote of the valid votes. Tsvangirai the winner had to battle it out with Mugabe, his first runner-up.

Constitutionally, the run-off was due twenty-one days after the announcement of results but, ZANU-PF unilaterally settled for June 27, 2008. Mathematically, the interregnum was ninety days long. Judging from the ensuing brutal State-led reign of terror unleashed before and after the June 27 run-off, one can infer that behind the scenes, ZANU-PF had masterminded the horrendous violence.

The memory of the run-off must never be forgotten because it was ‘the most devastating farcical, brutal and devastating election ever held in Zimbabwe’ (Magaisa 2016). Zimbabwe experienced a *de facto coup d’état* as the military effectively usurped democratic electoral processes (Tsvangirai 2008 cited in Zulu 2016). Amidst Mugabe’s continuous ‘slip of the tongue’ that Tsvangirai won by 73%, it remains

a mystery why and with what consequences the results were withheld for so long (Magaisa 2016). This mirrors Sharp's observation that, 'dictators are not in the business of allowing elections that could remove them from their thrones' (2012:9). ZANU-PF 'retained its incumbency, at this point through sheer force of the State' (Raftopoulos 2014: 984). The army was directly involved as it openly 'ordered' the electorate to vote for ZANU-PF (Msipa 2015: 173).

ZANU-PF was determined to use violence in the run-off as a continuation of policy by other means. Mugabe harped on non-negotiable 'principles' such as the 'sacrosanct' national sovereignty and the 'irreversible' land reform program (Kaulemu 2009:35). The 'regime change agenda' was indeed criminalised; so was the slightest criticism of the office and person of the President. This research feels that this was the point of intervention rather than wait-and-see. Regrettably, key stakeholders to Zimbabwe electoral processes, notably SADC watched helplessly as Mugabe unleashed a reign of terror on the hapless electorate. He declared the run-off as a 'win or war' and 'a sink-or-swim' election: 'We shed a lot of blood for this country. We are not going to give up our country for a mere X on a ballot. How can a ball point pen fight with a gun?' (Mugabe 2008 cited in Kaulemu 2009: 35).

Using this 'end of history' paradigm that ZANU-PF carries the burden of history, the 'pen versus the gun' epithet became the catch phrase. Endless ZANU-PF rallies and torture camps set up throughout the country, the securocrats, parliamentarians, war veterans and the Youth militia and even traditional leaders took turns to admonish Tsvangirai and his supporters. Using the same *modus operandi* of coercion, hate speech, arson, looting, abductions, torture, displacement, disappearances and summary executions and extra-judiciary killings, the State caused inordinate suffering which the (less affected) Ndebele referred to as the 'Shona versus Shona *Gukurahundi*' (Godwin 2010; CPIA 2011). This terror campaign was code-named Operation '*Makavhotera Papi?*' (Whom did you vote for?). It involved victims' confession and repentance in order to be 'forgiven', voting rehearsals including feigning illiteracy and recording ballot paper serial numbers (Madenga 2011). Tsvangirai's withdrawal from the run-off, four days before June 27, prompted ZANU-PF to guard against voter apathy by launching 'Operation Red Finger' which compelled all villagers to vote (Godwin 2010).

Torture camps (*mabhesi*) were set up in each rural ward, at least two weeks before the June 27 run-off. Villagers were forced to stay in the torture camps where they were re-oriented and re-educated about the ZANU-PF 'principles and values.' A range of brutal retributive measures which are well-documented by peacebuilding Civil Society Organisations like the CCJP (2009) include public 'long or short sleeve' amputations, callous murders, torture, intimidation, gang rape, abductions, kidnapping, mass displacements, arson and looting. Perceived MDC supporters' livestock and grain were confiscated to feed the camping villagers. So severe was the brutality that the entire country was reduced

to the Hobbesian state of nature, in which life becomes too ‘solitary, nasty, brutish and short’ (Masunungure 2009: 87).

However, like in the past, ZANU-PF categorically denied any responsibility for this ostensibly State-sponsored and systematic violence. This strange tendency by perpetrators of blaming victims in order to vindicate themselves is called ‘mirroring’ (Genocide Watch 2008 cited in Masunungure 2009:90). But pursuant to this culture of violence and impunity, ZANU-PF has since developed specific mind sets, structures and code of conduct shaped on images of war and extreme national sovereignty (Kaulemu 2009:41). It is worth noting that in as much as the MDC claimed to have chosen the nonviolent route, Tsvangirai who was also brutalised by the law enforcement agents confessed in 2011 that in face of overwhelming provocation, it is often very difficult (Kaulemu 2011:13). The opposition needs to be applauded for refraining from fighting fire with fire.

This research embraces the view that ‘unless the complex, multi-layered national traumas are healed, new vocabularies invented and more positive emotional responses cultivated, we will be stuck in this dump of national self-destruction and election periods will always be a time for recycling trauma’ (Kaulemu 2009:42). Table 5.2 below shows the intensity of the political violence trends in Zimbabwe between 2001 and 2008.

Nature of violence	2001	2002	2003	2004	2005	2006	2007	2008
Abductions	116	223	52	62	18	11	19	137
Arrest/ detention	670	274	627	389	1286	2611	2766	922
Disappearance	0	28	4	0	0	0	0	19
Murder	34	61	10	3	4	2	3	107
Political discrimination	194	388	450	514	476	288	980	2987
Torture	903	1172	497	389	136	366	603	723

Table 5.2 Human rights violations, 2001-2008 (CSV 2009:12 cited in Kaulemu 2011:21)

5.5 When the Loser Calls the Shots: Zimbabwe’s Third GNU and the failure of Reform, 2008 and beyond

When faced with the severe problems of confronting a dictatorship, some people may lapse back into passive submission. Others seeing no prospect of achieving democracy, may conclude they must come to terms with the apparently permanent dictatorship, hoping that through

‘conciliation’ ‘compromise’ and ‘negotiations’ they may be able to salvage some positive elements and to end the brutalities (Sharp 2012: 14).

This observation mirrors the events leading to the formation of Zimbabwe’s controversial and incompatible Third Government of National Unity (GNU) between the losing ZANU-PF and the two MDC formations on September 15, 2008. This coalition government also known as the Global Political Agreement (GPA) can be considered as an elitist transitional justice model tasked with the arduous role of preparing credible elections after the sham presidential run-off. It was elitist because no grassroots consultations were made. Cognisant of the fact that the politics of the GPA and the hard road to reform has been traversed by Raftopoulos *et al.* (2013), this research seeks to further map the patterns of intrinsic political violence.

The argument that Tsvangirai’s MDC lacked realistic options, and hoped to sup with the devil using a long spoon is an appealing one. Right from the start, Tsvangirai’s MDC formation opposed SADC’s GNU brainchild and even openly accused Thabo Mbeki, the then South African President (1999-2008) and SADC’s key mediator of siding with ZANU-PF. President Mbeki seemed oblivious about his SADC mandate. President Mugabe rejected his proposal that the 2008 elections ‘should be called off and conducted afresh in conditions of the total absence of any violence’ (Tutani 2016).

Mbeki’s ‘quiet diplomacy’ approach in the Zimbabwean crisis was tantamount to hunting with the dogs and running with the hares. His ‘No Crisis! What crisis?’ gaffe has been criticised as a smokescreen ‘to hide his complicity, collusion, collaboration and conspiracy with ZANU-PF’ which had withheld the presidential votes for three weeks, stopped the MDC from campaigning, killed their 200 supporters and displaced many (Tutani 2016). Indeed, Mbeki cannot ‘wriggle out of his disastrous Zimbabwean legacy’ (Tutani 2016) which motivated his recalling from presidency. This research acknowledges that the SADC intervention involved a statement claiming that the run-off was a sham election. SADC tried to salvage the situation by brokering a power-sharing government.

By retaining executive powers and ‘key’ ministries such as Information, Defence, Justice and Home Affairs, ZANU-PF was safely in the driving seat. Mugabe soon assumed a vantage position and stalled all meaningful reforms. With ZANU-PF holding tightly to the levers of power, the GNU was bound to experience intra-party conflicts and general disregard of basic human rights. ZANU-PF was obsessed with retention of power and influence. This enabled them to recollect themselves and resoundingly win the controversial 2013 elections.

5.6 Summary

This chapter used Galtung's Triangle of Violence Model (Figure 5.1) to trace and explain the political forms of violence in Zimbabwe since independence. The *Gukurahundi* Massacres from 1982-87, the Fast Track Land Reform Programme in 2000, *Murambatsvina* in 2005, and the electoral violence were mapped as the landmark violence cases. It was noted with concern that State-sponsored violence has continued unabated. The next chapter will examine the transitional justice efforts to deal with political violence in post-colonial Zimbabwe.

Chapter 6: The history of transitional justice processes in independent Zimbabwe

6.0 Introduction

Any attempt at reconciliation which does not face up to the past including sometimes uncomfortable realities, is not true reconciliation at all and will not last.... Reconciliation does not come easily. It requires persistence. It takes time (Tutu 2000: xi cited in Sutherland and Meyer 2000).

If we could forgive Ian Smith, a white who had massacred thousands of our fellow blacks, why then do we find it difficult to be merciful and forgive each other as blacks? Let us build a new Zimbabwe with mercy (Muchabaiwa 2016 cited in Satumba 2016).

The previous chapter mapped politically motivated violence in post-colonial Zimbabwe. Three watershed transitional justice opportunities in 1980, 1987 and 2009 failed respectively and this chapter explores possible options, including the yet to be implemented National Peace and Reconciliation Commission (NPRC). As part of the answer to the question, ‘Will the NPRC deliver?’ the chapter will explore the feasibility of the strategies used in the past and recommend possible options.

6.1 The politics of transitional justice processes in post-colonial Zimbabwe

Efforts to formalise reconciliation processes in post-colonial Zimbabwe will be divided into:

- The non-retribution Lancaster House Agreement,
- The post-*Gukurahundi* ‘Unity Accord’,
- The post-2008 Organ on National Healing, Reconciliation and Integration, and
- The pending post-2013 National Peace and Reconciliation Commission.

6.1.1 The non-retributive Lancaster House Agreement

If yesterday I fought you as an enemy, today you have become a friend and an ally with the same national interest as myself. If you hated me, today you cannot avoid the love that binds you to me and me to you Is it not folly, therefore, that in these circumstances anybody should seek to revive the wounds and grievances of the past? The wrongs of the past must now stand forgiven and forgotten.... Surely this is now time to beat our swords into ploughshares.... I urge you, whether you are black or white, to join me in a pledge to forget our grim past, forgive others and forget, join hands in a new amity... (Mugabe 1980 cited in Huyse 2003:34).

6.1.1.1 The ‘miracle’ inaugural Independence Speech

The non-retributive and magnanimous speeches by Robert Mugabe, the Prime Minister-elect of independent Zimbabwe between March 4 and April 17, 1980 marked the beginning of the national reconciliation pledge. The pledge was hailed a ‘rare miracle’ and ‘a demonstration of human maturity

so far rarely equalled in our world' (De Waal 1990:47). So highly regarded for this remarkable feat of restorative justice, that Mugabe was nominated for the 1981 Nobel Peace Prize. The non-retributive pledge had so many traceable backers:

- In his book, *Suffering Without Bitterness* (1968: 153-201 cited in Eade, 1998:117), Kenyatta the founding President of Kenya, urged fellow Africans to let go the bitter past and move on. He wrote, '...forget the past...there should be no revenge....We cannot build a happy and progressive nation as long as men harbour ill feelings about the past....'
- The pledge resonated with Martin Luther King Jr's legendary remark that, 'We must all learn to live together as brothers (and sisters), or we shall perish as fools' (cited in CCJP 1976:94).
- Prince Charles who graced the independence occasion asserted that, 'To heal what has been hurt and wounded, to reunite what has been divided, and to reconcile where there has been enmity is the finest foundation on which to build and increase this quality of life in your unique country' (Smith *et al.* 1981: 210).
- Queen Elizabeth II's congratulatory message was equally conciliatory: 'It is a moment for people of all races and all political persuasions to forget the bitterness of the past and to build a better future for their country and for their citizens' (Smith *et al.* 1981: 210).

Mugabe's pledge to bring closure to the wrongs of the past sounded 'constructive, progressive and forever forward-looking' (Welz 2009). His assurance that 'nothing is so mean as for the powerful to turn vindictive against the vanquished or for the victor to press his advantage too far' shocked the bemused white Rhodesian community who expected nothing short of retribution from their 11-year political prisoner (Shamuyarira *et al.* 1995:36). The pledge earned Mugabe the status of reconciliation-minded leaders like Leopold Senghor of Senegal, Julius Nyerere of Tanzania, Jomo Kenyatta of Kenya, and Kenneth Kaunda of Zambia (Eade, 1998:117). This opportune moment to walk the talk was however lost. In fact, Mugabe soon proved that posturing and pragmatism 'is never a sufficient foundation' for enduring reconciliation (Huyse 2003:36). It is imperative to trace and explain the origins and shortcomings of Mugabe's reconciliation posturing.

6.1.1.2 The Lancaster House Peace Agreement: a brief historical context

The Commonwealth-inspired Lancaster House Peace Constitutional Talks which began in London from September 10, 1979 to December 21, 1979, paved the way for Zimbabwe's transition to independence. A convergence of national, regional, international and capital forces which shaped the compromised peace settlement inaugurated post-colonial Zimbabwe's controversial non-retributive policy through an 'Independence Constitution'(Cameron 2017:4). The internationally recognised transition programme which included an immediate British-monitored ceasefire, general elections and independence, was a

compromised framework which served the immediate purpose, but became a seedbed for future conflicts.

The transitional justice framework was based on win-win restorative, rather than the victor's justice (Shamuyarira *et al.* 1995: 41-42). There was, however, a need to go beyond the 'let bygones be bygones' policy (Murambadoro 2014). The fact that the Lancaster House Constitution was amended 19 times before it was eventually dropped in 2013 shows that it had inherent flaws. Its shortcomings included:

- 20 out of 100 cabinet seats in the new government would be reserved for the minority whites for seven years.
- The white-owned commercial farms could not be compulsorily acquired in the first ten years. Meanwhile, land could only be acquired on the 'willing-buyer-willing-seller' basis. As noted in chapter 5, the unclarified role of Britain on the land reform later became a big problem.

As highlighted in chapter 5, the continued social and economic racial inequalities cultivated a culture of 'contentment' amongst the privileged white minority who misconstrued national reconciliation to mean 'business as usual.' Right from the beginning, the non-retributive policy was ill-fated because 'it was exclusively based on political and economic imperatives, weakened by the triple culture of amnesia, impunity and contentment' (Huyse 2003:36-37). Therefore, the black-white reconciliation 'fed, rather than eased, the unresolved grudges' (Huyse 2003:36-37). Armed war had ceased, but with no redress and justice, victimhood persisted amongst the African populace. Ironically, the reconciliation policy selectively accorded premium attention to peaceful black-white relations; ostensibly to court the much needed international aid and maintain skilled labour force (Smith 2001).

6.1.1.3 Implications of the Lancaster House Agreement

As noted in Chapter 5, the culture of indemnities, amnesties, pardons and general repression can be traced to the 1975 Indemnity and Compensation Act which granted immunity, both retroactively and in advance to all Rhodesian Security Forces for committing human rights abuses 'in good faith for the purposes of or in connection with the suppression of terrorism...' (CCJP 1976:95). The non-retribution pledge of 1980 was therefore not primarily Mugabe's benevolence. The Amnesty Ordinance of 1979 and the Amnesty Ordinance 12 of 1980 were, in accordance with the Lancaster House Agreement, implemented by Lord Soames, the transitional government Governor (Huyse 2003:36). Amnesty International (1980 cited in Magaisa 2016:2) dismissed the justification of colonial abuses on the basis that it was 'a system of institutionalised racial domination which depended on systematic and often legalised human rights violations for its maintenance...' Amnesty International (1980 cited in Magaisa 2016:2) also significantly observed that the 1980 amnesty for the Rhodesian human rights' violators

did indeed provide an impetus ‘and the means for continuing human rights violations’ in independent Zimbabwe but was not responsible for the continuation of the same abuses.

Fisher (2013:10) describes the Lancaster House framework ‘as a discourse conceived to allay minority fears and dissuade whites from a massive exodus at independence and from acts of sabotage thereafter; such that the policy met with some initial success.’ Enduring reconciliation could not be achieved without revelation and acknowledgement. Unconditional forgiving and forgetting could not wish away the deeply entrenched culture of violence and impunity (Auret 2003 cited in Machakanja and Mungure 2013).

6.1.1.4 Criticism of the reconciliation pledge

The one-off pledge has been criticised for being prescriptive and grandstanding. Yamamoto (2016) argues that Mugabe’s ‘soaring rhetoric and demagoguery’ in 1980 was mistaken for farsighted vision because as long as the deep-seated grievances that motivated the protracted war were not immediately addressed, no sincere reconciliation was bound to occur. Whether by design or by default, the reconciliation pledge overlooked the basic principle that, ‘before any serious nation building can be undertaken, people need to come to terms with their past’ (Mawondo 2008:10).

By simply drawing a line between the past and the present, the pledge disregarded Lederach’s concern to account for the wrongs of the past. There was a dire need to at least inform the expecting masses about the genesis of the policy and its merits. Moreover, without specific institutional reforms to guarantee peace and security, new ‘struggles after the struggle’ were bound to re-emerge (Kaulemu 2008). The daunting challenges of establishing the rule of law and coming to terms with large-scale human rights violations could not be accomplished by the stroke of a pen. To promote reconciliation and consolidate peace, there was a need to establish ‘an effective governing administrative and justice system founded on respect for the rule of law and the protection of human rights’ (UN 2010:3).

There was a need to reflect and redress the injustices of the past. Reflecting and meditating ‘on the experiences of life leads to an understanding of society in which people live and the reasons why they suffer’ (Interregional Meetings of the Bishops of Southern Africa (IMBISA) 1988:29). Therefore, with no deliberate efforts to face the legacy of war atrocities and human rights abuses, post-colonial Zimbabwe failed to achieve much-needed peace and justice, but was instead provided ironically with a ‘template for authoritarian rule.’ This has conveniently enabled Mugabe to monopolise and abuse power since independence (Scholz 2004: 23).

The ‘turning of swords into ploughshares’ appeal was ostensibly borrowed from the prophets, Amos and Isaiah for whom justice was a sacred trust in societal transformation and salvation (IMBISA 1988).

Prophet Isaiah in particular, assured that belligerents, ‘... will hammer their swords into ploughshares, their spears into sickles; (so that no) nation shall not lift up sword against nation...’ (Isaiah 2:4). However, without deliberate efforts such as public debates and non-recurrence assurances, the pledge was bound to collapse. Van Nieuwenhuizen (2013) regards Mugabe’s ascension to power in 1980 as ironically, the beginning of his ‘fall from grace.’

The reconciliation pledge had no back-up policies and lacked both depth and breadth in terms of stakeholder consultation and participation. Mugabe’s close allies, Mnangagwa and Mutasa testify that he met his predecessor and his security chiefs secretly at his house and mapped the way forward (Sasa and Mkwate 2015; Kwaramba 2015). There was need to go beyond the non-retribution pledge and engage other stakeholders or at least make a joint public press statement. By engaging Smith of the ‘no black majority rule in my lifetime fame’ as part of his Government of National Unity, Mugabe proved to the world that ‘...peace making is about interaction with the opponent, not ganging up with your friends’ (Oberg 2015).

However, this was not enough. Engaging the losing Joshua Nkomo and Bishop Muzorewa would have gone a long way in rehabilitating both the ex-combatants and the bruised masses who had borne the brunt of the vicissitudes of the protracted guerrilla war. President Kaunda who played a key role in the integration of the ZANLA, ZIPRA and Rhodesian Security Forces under General Peter Walls would have used his epithet ‘forgiveness is ‘a constant willingness to live in a new day,’ to mobilise more resources for a comprehensive transitional justice process (Sutherland and Meyer 2000; Kagoro 2005:4). The non-retribution pledge was built on a weak foundation mainly because there was no inclusive stakeholder participation to address the wounds of the war (Auret 1992). The nascent nation made a false start; no efforts were made to rehabilitate the wounds of the past and start afresh.

6.1.1.5 Stakeholder-participation: the missing link in the 1980 reconciliation pledge

It has been noted with concern that one of the weaknesses of the 1980 reconciliation pledge was its exclusive composition. Notable absentees were prominent African politicians, the CSOs, the victims and the ex-warring parties and their military units.

6.1.1.5.1 Prominent African politicians

The invaluable role played by the Commonwealth and the Frontline States in Zimbabwe’s armed struggle has been noted. I contend that the involvement of local politicians would have enriched the non-retributive pledge by giving it a national appeal and ownership. The following Zimbabwean politicians were conspicuous by their non-involvement in the 1980 national reconciliation proclamation: Simon Muzenda the Deputy Prime Minister, Joshua Nkomo the PF-ZAPU leader, Bishop

Muzorewa, Reverend Ndabaningi Sithole, the founder president of ZANU and Maurice Nyagumbo. As noted in Chapter 3, Nyagumbo, the longest serving political prisoner (23 years) would have insisted on implementing the reconciliation pledge. Like Mandela, he believed in the victim's forgiveness for the benefit of all.

A cursory look at each politician shows why they should have been directly involved. Muzenda, affectionately known as *Mzee* (old man) has been described as 'a truly national leader' with irresistible 'magnetism, conciliatory nature, patience and deep insight into human nature' (Bhebe 2004: 238). He proved this by persuading Nkomo and PF-ZAPU into the fragile 1980 Government of National Unity (Bhebe 2004: 238). Engaging this Masvingo-born enigmatic politician would have enriched the processes because he had entrenched interests in indigenous knowledge systems.

Nkomo, the PF-ZAPU President and Chairperson of the Patriotic Front at the Lancaster House Talks and partner in the 1980 GNU was not consulted on how to implement the reconciliation policy (Nkomo 1984). As discussed in chapter 5, the ZANU-ZAPU animosity was a salient feature before and after independence. The two liberation movements contested the 1980 watershed elections separately. The losing Nkomo rejected the ceremonial Presidency which was later assumed by Reverend Canaan Banana (a fellow Ndebele). Nkomo was appointed a minister without portfolio ahead of his preferred defence ministry. Engaging him would have certainly cooled the Ndebele-Shona ethnic tensions, and perhaps averted *Gukurahundi*, a fratricidal conflict which destroyed the fragile GNU in 1982 and claimed 20 000 lives (CCJP 1997). Instead, Mugabe dehumanised Nkomo, the father figure of Zimbabwean nationalism by calling him a 'cobra,' which had to be struck on the head (Nkomo 1984).

Bishop Muzorewa was another notable absentee. Muzorewa, the Prime Minister of the ill-fated Zimbabwe-Rhodesia Internal Settlement, lost dismally in the 1980 watershed elections but his (Internal Settlement) gamble taught even the guerrilla movements that transition from colonial bondage was possible through nonviolence. Engaging him in the implementation of the national reconciliation would have given Zimbabwe a dual advantage: he had vast experience in restorative justice, as both a United Methodist Bishop and veteran politician. He had a farsighted vision for Zimbabwe, which he projected prior to the Lancaster House Talks (Muzorewa 1978: 241-244). Instead of calling him names, Mugabe should have maximised his vision of an independent Zimbabwe. His questions on the independence eve are still relevant today:

- Will a free Zimbabwe be truly free?
- Will we of Zimbabwe stand in danger of being satisfied, yet even thrilled, with the mere trappings of independence – a brand new flag fluttering in the breeze, sleek and shiny limousines, and black

faces in Parliament, State House, the OAU and the United Nations – while those in power are not accountable to the governed for their actions?

With the benefit of hindsight, one is bound to think that if Mugabe had maximised the diverse human resources at his disposal, Zimbabwe's dream start could have been sustained. The exclusion of these key figures can be blamed on the ZANU-PF's pursuit of total power. This research has established that the Lancaster House Constitution had a non-retributive clause, which Mugabe never mentioned, possibly because he wanted to enhance his 'Messiah-figure' status and legitimacy, especially from the often bemused white community. The exclusion of Nkomo and Bishop Muzorewa could have been prompted by ZANU-PF's one party state ideological persuasion. As evidenced by subsequent *Gukurahundi* Massacres, Mugabe's decision to contest the 1980 elections as ZANU-PF and not as the Patriotic Front, which included ZAPU, was guided by his desire for power monopoly. This exclusivity weakened the 1980 Government of National Unity and national reconciliation proclamation.

6.1.1.5.2 Civil society organisations

Civil society organisations and the Church in particular should have been meaningfully engaged in the transitional processes. In their 1980 Pastoral Letter, the Zimbabwe Catholic Bishops' Conference bemoaned their exclusion:

In a plural society like Zimbabwe, it is important to have a clear view of the relationship between the Church and the State. The Church is not identified with any political community, nor is she bound to any political system. Rather her function is to be the moral conscience of the nation, the sign and safeguard of the supreme value of the human person (cited in Gundani 2007).

Therefore, the Church has, since the colonial times been cognisant of its moral responsibility to ensure a secure and peaceful future by challenging governments to be responsive of people's needs by creating a conducive environment. The Church's mandatory call is to speak for the voiceless, to offer pastoral services to nations and be part of the post-conflict reconstruction processes (Church in Zimbabwe 2011).

Studies by Civil society organisations such as the CCJP in Rhodesia (1975 and 1976) and the Catholic Institution for International Relations and Amnesty International (1977 and 1979) show that the war cost more than 60,000 lives, displaced 750,000 and maimed 100,000. First and foremost, these and other atrocities and abuses should have been acknowledged and relevant restorative justice rituals like memorialisation and compensation performed. Moreover, the mysterious disappearance of people like Edson Sithole, the summary execution of the Nhari-Badza rebel ZANLA fighters in 1975, the controversial deaths of Herbert Chitepo the National Chairperson of ZANU and Tongogara the ZANLA Commander General could have been investigated to enrich the national reconciliation policy.

6.1.1.5.3 The ex-combatants and civilians

The failure to rehabilitate, reorient and counsel former combatants is regrettable. Some are still haunted by their war experiences because they did not go through the demobilisation, rehabilitation and reintegration processes (Sadomba 2011:73). This problem was not dealt with in a manner that facilitated reorientation, rehabilitation, healing, reconciliation and re-integration into communities. The 'guerrilla-peasant symbiotic' relations borrowed from Mao's 'water and fish philosophy,' hailed as the game changer in ZANLA's guerrilla war effort, was not consummated after the war. This research confirmed testimonies that the demobilised combatants became strangers in the 'promised land' as they grappled to fit into civilian life (Nyamufukudza 1980). There was no deliberate effort to take stock of the war and its casualties. The roots of the controversial *Gukurahundi* Massacres can be traced to haphazard post-war rehabilitation and reintegration of ex-combatants in particular and the war torn communities at large.

There is a significant contradiction between the post-WWII ex-servicemen and their post-colonial rule counterparts. In the former, ex-combatants including Ian Smith were trained in non-military lifelong skills such as farming; yet in the latter, the diverse ex-combatants were either re-integrated into the Zimbabwe National Army, security forces or demobilised without rehabilitation. This compels one to assume that the frequent bussing of civilians to the Chimoio Shrine in Mozambique (85km from Mutare) and the erection of the Tomb of the Unknown Soldier at the National Heroes Acre are part of ZANU-PF's political expediency, rather than sincere pilgrimages or memorial homages.

This research established that civilians could have been engaged in the reconciliation programme, simply to hear their experiences and verify with the CCJP's books, *The Man in the Middle* (1975) and *Civil War in Rhodesia* (1976) and Bishop Lamont's open letter to Smith dated August 11, 1976. Engaging the ex-combatants and the civilians would have afforded the world to hear about 'the thousands of innocent Zimbabweans who have been butchered by the enemy and the comrades in the mass graves at Chimoio, Nyadzonia and Tembue and those buried everywhere throughout Zimbabwe...' (Mugabe 1979 cited in Tracey 2009:219).

The new political leadership, therefore, erred by not consulting the relevant stakeholders on how best to sustain the reconciliation policy. Wide consultations would have informed the new State on the form(s) of justice to consider. The grassroots in particular had borne the brunt of colonial oppression and the liberation war as belligerents demanded unquestionable loyalty from them. The absence of any form of debate or stakeholder participation meant that both victims and survivors were neither recognised nor consulted, but rather watched helplessly as the same perpetrators assumed key roles in the new political dispensation such as security services.

I established during my fieldwork research that both the ex-combatants and civilians maintained the ‘bush war mentality’ after independence. Meaningful transformation could not take place because no perpetrators and victims were identified and there was no formal redress of colonial social, economic and political injustices. Instead of simply assuming that everyone would embrace this ‘business as usual’ formation, sincere reflection on the past could have informed the future. Regrettably, an unprecedented opportunity for the ‘terrorists’ to redeem themselves of the terrorist tag was lost. Perpetrator-victim identity was imperative because ‘restorative justice demands that the accountability of perpetrators be extended to making a contribution to the restoration of the well-being of their victims’ (Appleby (2001:834). My participants in the rural sample preferred to start their narratives from the war period because these stories have not been officially documented. The lesson learnt was that unconditional amnesty is problematic in that it overlooks the processes of acknowledgement of responsibility and reparations which are central in restorative justice (Appleby 2001: 834).

Zimbabwe’s first attempt at reconciliation based on the ‘forget and forgive’ or simply ‘let bygones be bygones’ approach failed mainly because without guarantors, the credible initiative was reduced to a mere ‘prescription of amnesia’ (Murambadoro 2014).

6.1.1.6 Your opponent is not an enemy? The Mugabe-Smith post-colonial feud

When you show mercy to your former enemy...you think you are being noble. But, if you ask me how I feel about it, I think we made a mistake’ (Mugabe 2008 cited in Holland 2008: xx).

Mugabe regrets that ‘we made a mistake’ on the 1980 policy of national reconciliation yet the foregoing review confirms that only him and his nemesis, Smith, were privy to the non-retribution clause. Basing on Mahatma Gandhi’s nonviolence energiser that ‘we must refuse to consider our opponents as enemies,’ I wish to reflect on the working relationship between these two supposed kingpins in Zimbabwe’s post-colonial peacebuilding endeavours. The motive is to examine how individual mistrust can impact on larger community aspirations.

I contend that Mugabe and Smith held sway in determining the future of independent Zimbabwe. Instead of taking a ‘business as usual approach’ defined by the ‘us-them’ divide, the two should have, for the sake of the common good, sincerely collaborated in search of enduring peace and justice. As noted above, Mugabe and Smith met secretly in the formative years of independence and formed the GNU comprising mainly ZANU-PF, FF-ZAPU and the Rhodesian Front (renamed Conservative Alliance of Zimbabwe).

Auret (2003) calls the reconciliation pledge a ‘miracle’ because Mugabe had stated categorially in 1979 that Smith and his principals would be tried for their war crimes. He said:

Smith is a criminal; he has committed all kinds of serious crimes. The massacres he has here upon Zimbabwean refugees in Mozambique, in Zambia, in Botswana, all these put together warrant very stern judgement by the people. They call for the death penalty in my opinion.... I can only judge that this type of evidence merits the passing of capital punishment, but we will have him tried by the people... (Zimbabwe News 1979 cited in Smith *et al.* 1981:111).

Ironically even (Ian) Smith, the assumed greatest beneficiary of the non-retributive policy never openly reciprocated the reconciliation initiative. He kept reminding the world about his disregard for majority rule in his lifetime. Until his death in 2007, he had no kind words about Mugabe whom he accused of running down an erstwhile strong economy through dictatorship, corruption and general mismanagement (Smith 2001:421).

The non-retributive policy's failure to document the nature and scope of war crimes, could have motivated Smith to continuously brag that the liberation war was a 'bitter harvest' due to the 'great betrayal' mainly by South Africa and Britain. He exonerated himself of any wrong doing and bragged about becoming the second British colony, after the United States to successfully declare independence from Britain (Holland 2008: 82). Smith assumed the *de facto* responsibility to promote and protect the interests of the White Rhodesians and peddled the myth that 'Rhodesians never die' (Godwin and Hancock 1993). He openly challenged Mugabe to 'abide by the truth' and recommended in 2001 that a Truth and Reconciliation Commission similar to the South African model be set up to 'divulge the evil doings of Zimbabweans' (Smith 2001:430).

In 2001, Smith dismissed Mugabe's benevolence and clemency claims as a bluff and reminded him that he bequeathed the strongest post-conflict economy in the region. Mugabe has evidently lost the debate – Smith's fear that black majority rule would be a disaster has been confirmed. Independent Zimbabwe's disregard for the rule of law and constitutionalism and general poverty is a cause for concern. Smith (2001: 430) argues convincingly that the policy of reconciliation was a brainchild of the Lancaster House Agreement and not Mugabe's benevolence. He reveals that, 'As part of the Lancaster House Plan, we signed an agreement that there would be no retribution for the past, no looking back, but concentrating on looking forward and building for the future' (2001: 430). He also regards Mugabe as a beneficiary of the non-retributive policy, arguing that he had 'a real reason for supporting the no retribution clause because of the barbaric acts of murder and mutilation committed by the ZANU terrorists against their own black people during the war' (2001:430).

Smith seems to be acknowledging that 1980 was a missed opportunity to start afresh. However, instead of admitting failure, Mugabe has continued to state his benevolence and the late Smith's bad deeds:

He (Smith) had the bloodiest hands of all.... No country in Southern Africa recorded as many deaths as us.... We had vowed that those who were guilty of bombing and killing our people,

throwing bodies into disused mines, will not get away with it, the moment we get home, we would deal with them...we will cut their heads. 'I could have beheaded Ian Smith, but because of my kindness, I said no, let us turn our swords into ploughshares and forget about yesterday. We will work together... we worked together with Ian Smith.... We even allowed him, not only to have his own farm but his father's farm... (Mugabe 2015 cited in Mananavire 2015:1).

Taking advantage of hindsight, both Smith and Mugabe are to blame for presiding 'confidently over repressive regimes while mouthing lofty moral delusions' (Holland 2008:83). There has been notable continuity between their regimes. Holland (2008:83), argues that both regimes were intolerable, racist and unaccountable. Holland (2008:83) further argues that, 'Like Smith, Mugabe chose the lawlessness tradition of leadership inherited from Cecil John Rhodes.... Repression..., so characteristic of Mugabe's presidency, was also a marked feature of Smith's regime. Neither Smith nor Mugabe wanted democracy: both had it forced upon them.'

Since 'he who controls the present controls the past and the future' (Orwell 1984), Mugabe's reign has regrettably derailed the nation's dream start. Mere reconciliation policy proclamation without the desire and will to change mindsets could not thaw the polarised racial, political and even ethnic differences. The Rhodesian Catholic Commission for Justice and Peace predicted at the height of the war in 1976 that:

It will take more than the eradication of racial discrimination to redress the injustices that permeate all areas of human activity in Rhodesia. It will take an acknowledgement on the part of those who have done wrong that they wish to redress the wrongs of the past and from those who have suffered, forgiveness and a desire to go forward together in peace (1976:94).

6.1.2 The Unity Accord, December 1987 – The 'moment of madness'

While the 1980 national reconciliation policy has been blamed for its unconditional 'forgive and forget' amnesia, the *Gukurahundi* Massacres of 1982-87 have been dubbed a 'moment of madness' after Mugabe's belated graveside gaffe-cum-apology in 1999. Notwithstanding the horrors of the 2008 electoral violence, the *Gukurahundi* Massacres remain the darkest chapter in post-colonial Zimbabwe. As noted in chapter 5, ZANU-PF violated the pledge to 'hammer swords into ploughshares and spears into sickles' barely two years into independence. Doran (2015) holds Mugabe accountable for these mass killings which were 'well-planned and systematically executed.'

The ZANU-ZAPU Unity Accord signed on December 22, 1987, after ten inter-party meetings was an elitist pact. The resultant *de facto* one party (ZANU-PF) sustained by violence and impunity was the ultimate prize for more than 20 000 priceless lives yet to be accounted for. The accord 'endorsed' Mugabe as the Executive President, with Nkomo and Muzenda as Vice Presidents.

The accord stopped further bloodshed but was a miscarriage of justice (Coltart 2016). The unconditional Clemency Order No.1 of June 1988 granted amnesty with respect to all human rights violations committed by the state security forces and 115 dissidents (Magaisa 2016: 2). What is more shocking is not the 'insignificant' numerical size of the alleged 'dissidents' vis-à-vis the heinous injustices committed, but its disregard to recover the truth and account for the atrocities (Ndlovu 2016). Neither truth and justice nor identification, rehabilitation of the 5th Brigade, the dissidents and the civilians was sought. The findings of the Dumbutshena and the Chihambakwe Commissions of Inquiry set up in 1981 and 1986 to investigate the early warning signs of ZIPRA-ZANLA tensions and the effects of *Gukurahundi* Massacres respectively were never published (CCJP 1997). The Unity Accord was, therefore, never meant to build true peace based on justice. Notwithstanding the CCJP's 261-page *Gukurahundi* report (1997), the ZANU-PF Government has refused to make at least a public acknowledgement.

6.1.2.1 The futility of the Unity Accord

It is a well-known characteristic of great injustice that those who suffer it go to their deaths with the conviction that these must not be forgotten (Waldron 1992: 5 cited in Mawondo 2008:9).

ZANU-PF's continued denial to account for the *Gukurahundi* atrocities and the general marginalisation of the area has sustained bitter memories. The victims have immortalised the memories because the 'act of recollection and telling the story becomes an important aspect of the victims' identity' (Mawondo 2008:9). Ironically, it was on the occasion of Nkomo's burial on July 6, 1999 that Mugabe described the *Gukurahundi* massacres as a 'moment of madness.' The remark fuelled further controversy in the *Gukurahundi* debate. While ZANU-PF regards it as an adequate regret, analysts have dismissed it as too little and insincere. Werbter (2012) describes it as a 'rare moment of honesty...or a slip of the tongue.' Failure to formalise the apology raises more questions, such as: Whose madness and what is the way forward? The ZANU-PF position that the 'moment of madness apology' warrants full closure is contradictory. Mugabe's hypocrisy is highlighted further by the fact that, for breaking the *Gukurahundi* silence, Mike Auret and Nicholas Ndebele, the CCJP Chairperson and Director respectively were arrested and the Catholic Bishops in Zimbabwe were labelled 'a band of Jeremiahs' and 'sanctimonious prelates' (De Waal 1992:94). This shows that the open discussion of the brutal events was in fact unacceptable and to be eliminated.

Mugabe's remark that, 'When a group has entrenched itself in power, then it regards its rights and privileges to be sacrosanct' (Hill 2005) confirms Galtung's dictum that, 'Power accrues to men of violence' (2004). Instead of allowing public debate on *Gukurahundi*, Mugabe maintains that, 'If we dig

up history, then we wreck the nation...and tear our people apart into factions, into tribes. Better then to bury it' (Alexander *et al.* 2000:258).

It is, however, noteworthy that the blanket silence on *Gukurahundi* was not a State policy. Reverend Banana, the ceremonial President until the Unity Accord (also from Matabeleland) preferred the opening of the *Gukurahundi* wound in order to dress it (Hill 2003: 85). He bemoaned that, 'Never again shall a Zimbabwean point a gun at another Zimbabwean. That is intolerable and anti-revolutionary, anti-Zimbabwean and anti-progress. It must never be allowed to happen again' (1987). Moven Mahachi, the then Minister of Home Affairs also lamented that, '...events during that period are regretted and should not be repeated by anybody, any group of people or any institution in this country' (*The Sunday Mail* 1992 cited in CCJP 1997:38).

Ngwenya (2014) and Muchemwa (2016) concur that ZANU-PF's 'let sleeping dogs lie approach' did not bring closure to the *Gukurahundi* atrocities. Best transitional justice practices contend that, 'In order to heal a person who has suffered a puncture wound to their body, that wound must first be opened up and must undergo a surgical procedure to mend the affected parts before the wound can be closed again' (Never Again Rwanda 2016). Even though the treatment and the healing timelines are different, 'the same logic applies to psychological wounds' (Never Again Rwanda 2016). The underlying factor is that 'any loss is a wound or injury' and that every wound can close and heal on condition that it is opened first and treated (Racamier 2016 cited in Never Again Rwanda 2016). Reopening the wounds is imperative because, 'Nothing in the psychic area can be closed before getting opened' (Racamier 2016 cited in Never Again Rwanda 2016).

6.1.2.2 The Unity Accord 30 years later

The heavy presence of State security personnel in Matabeleland during the annual Unity Day commemorations can be viewed as a manifestation of the 'restlessness of the *Gukurahundi* ghosts.' The continued silence on the *Gukurahundi* story coupled with the conspicuous marginalisation of Matabeleland has remained an albatross around the ZANU-PF neck. As noted in chapter 5, continued agitations by several Ndebele secessionist movements can be viewed as an expression that the *Gukurahundi* solution lies, not in official silence, but in truth recovery and accountability (Coltart 2011; Muchemwa 2016). Closure to atrocities of such magnitude cannot be achieved by wishing them away, but through deliberate efforts. Minow (1998:5) gives an emotional reflection of the loss of one's beloved:

No response can ever be adequate where a son is killed by police who are ordered to shoot at a crowd of children; where you have been dragged out of your home, interrogated and raped in a wave of 'ethnic cleansing'; and when your brother who struggles against an oppressive

government has disappeared and left only a secret police file, bearing no clue of his final resting place.

The restorative merits of truth-telling and acknowledgement of past injustices cannot be underestimated. Jose Zalaquett, a Chilean human rights' activist advocates truth-recovery simply because, 'Truth does not bring the dead back to life, but it brings them out of silence' (1993). Zalaquett (cited in Minow 1998) maintains that underneath truth, justice and forgiveness lies the 'twin goals of prevention and reparation in the process of moral reconstruction.' Therefore, painful as it is, truth must be sought and responsibilities acknowledged. In fact, 'Calls for truth, justice and forgiveness can seem like trying to hold back the tide, but few can doubt its urgency' (Campell 2011 cited in Haven 2011).

The brutal reality of *Gukurahundi* laid the foundation for a continuation of systematic violence and impunity in post-colonial Zimbabwe. The Lawyers' Committee for Human Rights' observation in 1986 that, 'Zimbabwe embarked upon its existence as an independent state by sending a clear message to its security forces that they would benefit from the same impunity enjoyed by their Rhodesian predecessors...' (cited in Magaisa 2016:2) has come true. The non-accountability of *Gukurahundi* Massacres and other post-colonial atrocities is aptly summed by Wermter (2017):

Gukurahundi and other crimes against humanity are like heavy burdens weighing us down. Keeping our hearts and minds shackled. To be liberated from these heavy loads that keep us down and imprisoned in the past, we need to walk the path of reconciliation and even forgiveness if that is at all possible.

6.1.3 The Organ on National Healing Reconciliation and Integration: 'Transitional Justice without transition'

The SADC and AU-mediated Transitional Inclusive Government of Zimbabwe (formed in 2008) was Zimbabwe's third opportunity for national reconciliation. The coalition Government of National Unity was a product of the compromised Global Political Agreement (GPA) of September 15, 2008. It was a fragile transitional mechanism. As noted in chapter 5, the GPA was signed in the wake of the sham June 27, 2008 Presidential Run-off. According to Eppel (2013:211), 'the epidemic State-driven violence' simultaneously denied Tsvangirai and Mugabe electoral victory and legitimacy respectively. Naturally, the victims of this systematic State-sponsored violence welcomed the Thabo Mbeki-mediated GPA framework as a panacea to their needs. The GPA was a time-framed transitional roadmap designed to take Zimbabwe from a state of fully-fledged conflict to a state of peace and harmony by 'healing the wounds caused by generations of injustice, intolerance, exclusion and impunity...' (Razemba 2011).

The GPA's ONHRI revived the hopes of victims of politically motivated violence. Informed by the bloody Kenyan experience of 2007, a GNU seemed to be the best political option. Through an uneasy and tentative clause, the GNU was bound to 'give consideration to the setting up of a mechanism to

properly advise on what measures might be necessary and practicable to achieve national healing, cohesion and unity in respect of victims of pre and post-independence conflicts' (GPA 2008:7). This clause was allegedly 'smuggled' into the GPA framework by Mbeki as a nonviolence assurance (Eppel 2013: 212). Mbeki – nicknamed 'Mr. No Crisis' – partly because of his controversial 'quiet diplomacy' and 'questionable' impartiality may have imposed this framework in order to narrow the polarisation amongst the disputing parties. Taking advantage of hindsight, SADC (Mbeki) was primarily concerned about the 'threatened' sovereignty of Zimbabwe rather than with the delivery of justice. The opposition openly accused Mbeki of siding with Mugabe, but they found themselves in ZANU-PF's 1980 dilemma – they could not 'push for justice or challenge the legality of the amenities that had been granted' (Magaisa 2016:6).

Notwithstanding the fact that the ONHRI was tailor-made and not decreed, ZANU-PF and MDC-T should have collectively focused on issues bedevilling Zimbabwe. They had to account for their actions, past and present, or simply publicly commit themselves to ensure maximum national security and full implementation of the ONHRI. Having 'balanced the ethnic violence sheet' by unleashing the 'Second Gukurahundi' on the Shona in the 2008 'win or war' harmonised elections (CPIA 2011), ZANU-PF should have, under the guise of the GPA/GNU framework, at least officially apologised for the 'moments of madness.' The oversight explains why the ONHRI set up to look into a policy framework specifically for national healing and reconciliation, remained a shadowy ministry.

The challenges faced in the operationalisation of the ONHRI such as guiding principles, terms of reference and stakeholder engagement strategies can therefore be traced to its informal conception. The ONHRI's wishful thinking that the media and the security sector would collaborate with its objective of creating a just and enabling environment became one of its greatest undoing. Its woes were compounded by party polarisation, budgetary and legal deficiencies.

Nevertheless, the ONHRI initiative was widely viewed as the GNU's acknowledgement of a bad legacy, hence the high expectations for a comprehensive transitional justice framework to redress the wrongs (Chitsike 2012:4). The ONHRI became a beacon of hope. Civil society organisations lobbied the GPA to fully implement the electoral and constitutional reforms, media and security sector reform and above all, national healing and reconciliation. Though built on a weak foundation, the ONHRI was ideally meant to restore the dignity of all Zimbabweans by rebuilding wounded relations, and creating trust, mutual respect, tolerance of diversity, and wholesale development where individuals would enjoy the freedoms enshrined in the Constitution (The Church and Civil Society Forum 2013). This wholesale process would be achieved through all-stakeholder participation. But, without definite parameters on who would do what and when, the ONHRI's innate weaknesses were bound to forestall progress.

6.1.3.1 Criticism against the ONHRI

Critics of the GPA transitional framework in general and the ONHRI in particular, were quick to point out its flaws. Masunungure and Shumba (2012) reinforced Bamu's scathing criticism that it was a 'transitional justice without transition' (2008). It was argued that transition would be mired by the GPA's 'hard road to reform' (Raftopoulos 2013). Such arguments were informed by the fact that the Ministry of Healing and Reconciliation was not only an afterthought, but, ironically structured under the office of the President and staffed by the dreadful Central Intelligence Organisation agents (Eppel 2013:212). Moreover, despite its constitutional legality, the ONHRI framework had neither a budget to back its sustainability nor an act of parliament to legalise its mandate. It was expected to use, inter-alia, government ministries, the private sector, faith based and civil society organisations as key entry points (Razemba 2011).

In principle, the ONHRI was supposed to operate as an independent framework. However, unbeknown to the general public, a Presidential Proclamation, set aside three days, (July 24-26) to celebrate the National Dedication of ONHRI, during which traditional and faith based organisations had to lead their followers 'through a process of devotion and dedicating the country to the Almighty according to the various cultural norms and religious practices of the people of Zimbabwe' (Razemba 2011). This preliminary approach was meant 'to cool the land; to cool the minds,' that is, 'to cool and massage' the wounded hearts and minds of 'all Zimbabweans.' It was hoped that the commissioning of ONHRI would '...give credence and scope to our desire as...a nation, to promote national healing, reconciliation and integration' (Mugabe, cited in CPIA 2011:13). Regrettably, 'the inclusive government did not come clear on how the government would help the people and heal their wounds' CPIA 2011:13).

Moreover, the ONHRI's top-down approach deprived it of grassroots ownership and legitimacy. As in the past the grassroots became mere policy recipients. According to Magaisa (2016:6), '...one of the worst failings of the GNU...was to walk the same path of forced amnesia first walked in 1980. It was another justice for peace which left victims and survivors in the lurch.' Naturally, mutual mistrust and lack of unity of purpose cost the initiative the much needed buy-in and give-and-take compromises. Having wielded total security powers, ZANU-PF was bound to forestall any efforts that could expose their wrong doing such as truth- recovery and justice-seeking. The opposition parties may have compromised on these prime issues in order to save the dire situation.

6.1.3.2 The ONHRI in action

Courtesy of the UNDP, the ONHRI schemed a number of methodologies including outreach meetings with the grassroots stakeholders, visits to Rwanda and Kenya. The UNDP was an active player; in 2011

it authored the National Policy Framework for National Healing and Reconciliation document which ZANU-PF endorsed, mainly because it was silent on truth recovery, justice-seeking, reparations and other imminent reforms (Eppel 2013:216). Moreover, ZANU-PF liked the document's proposal to form Peace and Reconciliation Councils nationwide (Eppel 2013:216-217). However, these seemingly traditional and grassroots-oriented models crumbled mainly due to lack of funding, transparency and accountability. Their assumed element of grassroots participation was however unmasked as a mere façade, as it excluded operational civil society organisations, and no efforts were made to identify both perpetrators and victims. Hence, they were never listened to about their narratives. They were once again prevailed upon, as amnesty laws endorsed the top-down approach. Countrywide surveys made in 2009 revealed that grassroots communities were not aware of the ONHRI outreach programmes (Zimbabwe Human Rights NGO Forum 2009).

6.1.3.2 Weaknesses of the ONHRI

The ONHRI had inherent weaknesses ranging from its top-down approach, unclear mandate and time frame, inadequate funding and lack of political will act of parliament.

6.1.3.2.1 Top-down approach

The ONHRI top-down approach was its greatest undoing. Contrary to the late Vice President John Nkomo's remarks that, 'the ONHRI was not prescriptive as to how national healing, reconciliation and integration was to be taken forward' (CCSF 2013), in practice, the ONHRI was a policy maker rather than a co-ordinator. This denied it the need for contextual and inclusive participation. It is the 'moral responsibility incumbent upon all Zimbabweans' to ensure peace and justice but, the circumstances surrounding the ONHRI could not allow it 'to engage in and listen to contributions from civil society' (CCSF 2013) without the State's political will. By virtue of their humanitarian progress convergence goal, civil society organisations were expected to take a leading role in maximising the strengths of the GPA, such as proposing peacebuilding mechanisms. They required space and support to mobilise grassroots input and operationalise the recommendations. The co-ordination role would have enabled the ONHRI to consult grassroots' stakeholders on how to achieve enduring peace and justice. A give-and-take approach would have yielded a variety of options. This was difficult given the polarisation and vertical alignment of Zimbabwe's governance protocol.

The ONHRI was fluent and inspiring in advocacy and programme marketing but in terms of action and results it was utterly useless. Its overuse of the same workshop-and-talk show mantra with little or no feedback and reflection undermined its efficacy (Gonda 2010). The 'facts' sought could have been classified into for example, survivors' needs and expectations, prevalent forms of violence and how to

deal with it. This ‘talk show approach’ invariably amounts to browbeating and appeasement of victims to quietly relinquish their grievances. This approach manifests ‘subtle amnesia’ whose outcome exacerbates invisible violence.

6.1.3.2.2 Unclear mandate and time frame

The ONHRI’s mandate vis-à-vis its 5-year time frame was disproportional. The ONHRI was hamstrung by its wish to backdate the human rights abuse starting point to the pre-colonial period. Backdating the documentation of the acts of violence from time immemorial was not only impossible, but a ZANU-PF ploy to weaken the initiative. Even the three ministers responsible were not sure of the starting point. This is evidenced in the MDC-T Minister, Holland’s slur that violence in Zimbabwe was started by the founding Ndebele King, Mzilikazi (*Zimdiaspora* 2009). The slur sparked widespread uproar in Matabeleland which almost wrecked the infant ONHRI as pressure groups from Matabeleland region made it a very big issue and demanded an apology and ‘cleansing.’ This almost derailed the whole programme as it sucked in the top leadership.

6.1.3.2.3 No measures to break the violence cycle

Like its predecessors, the ONHRI never put in place measures to ensure non-recurrence of violence. Its proposal to break the entrenched cycle of violence by sponsoring research on the genealogy of the country’s culture of violence was not only a desperate and costly search for relevance, but a clear admission that its mandate was impossible (Nyamutata 2012). The engagement of historians led by Professor Bhebhe of the Midlands State University (MSU) to carry out research on the forms of violence bedevilling Zimbabwe since the pre-colonial era was another shot in the dark. Since the need for healing and reconciliation is now a moral responsibility incumbent upon all Zimbabweans, the task should be placed in the public domain.

Civil society organisations could have maximised their hands-on approaches through community-based peacebuilding training programmes. Technological advancement in communication and social media could come up handy with regards to preventive and whistle blowing measures. For instance, social networking sites can effectively enhance early warning systems (EWS) by quickly relaying news of impending human rights violations to avert danger. Such preventive measures build a culture of peace, and give credence to the UN advocacy that, ‘There is no higher goal, no deeper commitment and no greater ambition than preventing an armed conflict.’

Civil society organisations and individual peacebuilding specialists could have been teamed up with the MSU research unit. The enlarged team would have unlocked the doors of fear, and engage everyone in collating and analysing the well documented qualitative and quantitative data in order to

create a much needed data base. Given the budgetary implications, this data could be computed by statisticians.

6.1.3.2.5 Inadequate funding

Funding was a major constraint to the ONHRI. This obstacle could have been exacerbated by the ONHRI's lack of policy clarity, accountability and transparency. Donors and well-wishers would not just fund a project whose mandate remained vague and populist. If the ONHRI was sincere about its professed objectives, collaboration with peacebuilding non-State actors such as Zimbabwe Peace Project, Centre for Peace Initiatives in Africa, Zimbabwe Human Rights NGO Forum and the Churches of Zimbabwe would have yielded substantive dividends. These actors are unanimous on Zimbabwe's urgent need for truth and justice seeking through public dialogue. For instance, the CPIA (2011:19-22) has even proposed the establishment of a legally backed truth and reconciliation commission based on the South African model.

The OHNRI's 'strategic planning' workshops which invariably 'sensitised and consulted widely' rather than collecting first hand data and training participants in peacebuilding, haemorrhaged the UNDP administered budget.

6.1.3.2.6 Lack of political will and legal mandate

Lack of ZANU-PF political will has been a major transitional justice challenge in Zimbabwe. Political will is paramount in 'the introduction of 'just' reconciliation processes where victims feel a genuine sense of satisfaction over the claimed entitlements' (Machakanja 2010: 13). Without political will and legal mandate, the OHNRI was reduced to another window-dressing effort to show that at least something was being done. No investigations were made on the 'widespread abuses including torture, beatings, and other ill-treatment allegedly committed by security forces, ZANU-PF supporters, and officials against real and perceived supporters of the MDC-T' (Human Rights Watch 2011:6). The controversial youth training service continue to indoctrinate 'the future' instead of transforming it. Consequently, calls for the end of political violence and the culture of impunity and of the violation of human rights remain a far cry. It defies logic to note that no one was prosecuted for the orgy of violence and gross human rights abuses. The OHNRI could not work out a sustainable transitional justice programme, mainly because there was no mechanism to enforce the accounting and acknowledgement of the wrongs of the past (Brahm 2004).

6.1.3.3 The 2013 elections and the demise of ONHRI: lessons learnt

The disputed July 31, 2013 Harmonised Elections ended the GNU and the ONHRI. The fact that clause 251 of the Zimbabwean Constitution (2013) endorses the urgent establishment of another transitional justice framework, is an indication that reconciliation in Zimbabwe is still ‘an unfinished business.’ The ONHRI’s professed lessons learnt can be summarised as: the dire need of sustainable peace by the majority of Zimbabweans; all stakeholder participation and the need to fuse the rich traditional restorative mechanisms with modern peacebuilding frameworks (Razemba 2011).

These lessons will go a long way in coming up with a mechanism that allows acknowledgement of the wrongs of the past, seeks redress and mutually forges a common way forward. The ONHRI is guilty of failing to provide feedback on strategies proposed by participants. It leaves one wondering whether the national healing and reconciliation frameworks in Zimbabwe have become a mere formality. No transitional justice framework can deliver without a defined mandate. Right from the start, the ONHRI remained adamant about its lack of a clear national framework to guide the healing and reconciliation processes.

Churches in Zimbabwe (2011) were so explicit that the ONHRI’s prime task was to facilitate the formation of an independent national framework like a truth, justice and reconciliation commission tasked with comprehensive and inclusive truth recovery, acknowledgement of the wrongs of the past, reconciliation and restorative justice issues. The Churches are not prescriptive but simply drawing lessons learnt from their vast experiences in forgiveness based on contrition and repentance.

Public policies must be informed by public debates and wide consultations. Kabwato (2012: 271-272) bemoans that:

Robust debate of issues to do with transitional justice have been alarmingly restricted to five-star conference rooms, resorts and airport lounges across the world while the rural poor, many of whom bore the brunt of political violence, are relegated to the pages of glossy human rights reports as mere statistics, faceless and further dehumanised.

The National Peace and Reconciliation Commission, has a lot to learn from its successor. The NPRC is expected to prioritise national healing based on a well-defined victim-centred framework.

This is only possible if the NPRC becomes an independent, full package framework that endeavours to revive Zimbabwe’s hope by embracing renowned transitional justice best practices and principles such as comprehensive and inclusive truth recovery, acknowledgement of the wrongs of the past, reconciliation and restorative justice issues.

6.1.4 National Peace and Reconciliation Commission

The National Peace and Reconciliation Commission (NPRC) is one of the five yet to be aligned independent commissions provided by chapter 12 of the (new) Constitution of Zimbabwe to support the tenets of democracy. (Zimbabwe Constitution 2013:92-99).

As noted in chapters 4 and 10, the NPRC was endorsed in Section 251 of the (new) Constitution signed into law on May 22, 2013. The NPRC is a product of protracted all-stakeholder bargaining. It seeks to, inter alia, ensure post-conflict justice, healing and national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice. The NPRC also seeks to enhance this mandate by mediation, recommendation of legislation, developing early warning systems and preventive measures (2013:99).

Like its predecessor, the NPRC is unfortunately silent on how to rebuild sustainable relations. This is disturbing, given that ZANU-PF has continued to use ‘violence and repression to dominate government institutions and hamper meaningful human rights progress’ (Human Rights Watch 2011:6). There is therefore urgent ‘need for a comprehensive transitional justice mechanism centered on the rights of survivors of the various episodes of Zimbabwe’s violent past’ (Zimbabwe Human Rights NGO Forum 2013:1).

As noted in chapter 10, the operationalisation of the NPRC has been deferred mainly due to operational threats. Legal experts have convinced the public that the NPRC will be at the mercy of the Minister of Justice and the State if the proposed NPRC Bill meant to legalise it is passed (Mushava 2016). The NPRC’s independence is critical. As noted in Section 252 (c), it can ‘only encourage’ and not compel people to testify. Moreover, The Constitution is also silent about the NPRC’s recommendations and mechanism to prevent future conflicts. Another cause for concern is that, the NPRC has no clear mandate and action plans such as cut off dates and when to grant amnesty.

6.2 Summary

This chapter focuses on transitional justice efforts in Zimbabwe from independence to date. The survey shows that every post-conflict community is obliged to deal with its past injustices, in one way or another, in order to begin a new shared future. Zimbabwe is in dire need of reform. One salient feature in Zimbabwe’s transitional justice efforts is that, though minimum and invariably top-down, dialogue has been given a chance. This research acknowledges that the historic Lancaster House Talks of 1979 which ushered in independence in 1980, the Unity Accord which ended the *Gukurahundi* massacres in 1987 and the controversial 2009 Global Political Agreement and its by-products such as the ill-fated Inclusive Government, the Organ for National Healing, Reconciliation and Integration and the National

Constitution were all negotiated. However, the dialogue must be interactive and insightful. A diversity of participants will enrich rather than weaken the processes.

Contentious situations like transitional justice should, therefore, be informed not only by political will, but also by ‘the pulse of public opinion’ (Masunungure and Ndapwadza-Chingwete 2012). The key lesson learnt and drawn from Zimbabwe’s case study is that imposed blanket amnesty approaches, either by design or by default can mitigate but cannot stop and prevent recurrence. It can be concluded that the much needed healing and reconciliation cannot be achieved by simply wishing away the past. Sustainable peace can only be realised if it embraces justice based on accountability. Transitional justice best practices and principles demand that peace and justice be mutually inclusive by seeking truth, acknowledging past wrongs, identifying the perpetrators and recognising victims. As concurred by Lederach and Tutu, enduring transitional justice is indeed a process and not an event. In Lederach’s reconciliation theory based on Psalms 85 verse 10, truth and mercy must meet, while peace and justice kiss (1997). This is only possible if the process is all-inclusive, including the invariably elusive political will. Stakeholders in Zimbabwe’s search for transitional justice have been urged by the UN to consider setting up a body or bodies to investigate major human rights abuses (Pillay 2012).

Chapter 7: Transitional Justice Methodologies

The (South African) TRC did serve the purpose of ending most of the denialism of white South Africans about the atrocities that happened. But it did not deal justice for the people who were harmed by apartheid (Jobson 2016 cited in *AFP News* 2016).

We spend so much on dealing with the late causes of conflicts but very little on prevention (UN Deputy Secretary General Jan Eliasson 2016 cited in *AFP News* 2016).

7.0 Introduction

The previous chapter focused on attempts at reconciliation and transitional justice in independent Zimbabwe. This chapter focuses on ‘best practices’ in transitional justice methodologies in Africa and beyond. The search for possible transitional justice methodologies was guided by the fact that ‘international experience has shown that addressing past human rights violations is a necessary step in the process of reconciliation and nation building’ (Wong 1996:1 cited in Hay 1999:31).

The purpose of such an action is to ‘demonstrate or underscore a break with a past record of human rights’ abuses, to promote national reconciliation, and/or to obtain or sustain political legitimacy’ (Hayner cited in Hay 1999:31). This study is cognisant of emerging concerns raised about the intersections between community-based methodologies on the one hand and national and international levels on the other (Wielenga 2015). The quest to assess the feasibility and effectiveness of grassroots’ peacebuilding methodologies vis-à-vis national or international mechanisms comes in the wake of the AU’s ambition to develop an African Transitional Justice Framework.

The African Transitional Justice Framework is a brainchild of the African Union’s Panel of the Wise’s 2009 report on Non-Impunity, Justice and National Reconciliation: Opportunities and Constraints (AU 2012). The initiative aims ‘to develop a clear and more coherent understanding of the contemporary application of transitional justice in Africa in the light of ongoing processes’ (Centre for Study of Violence and Reconciliation 2015). It is noteworthy that the AU initiative coincides with the ICC’s issuing of the first indictment to a sitting President, Omar Al-Bashir of Sudan accused of gross human rights’ violations in the Darfur region (AU 2012). As noted in Chapter 2, Al-Bashir’s indictment provides a test case for the AU’s new debate on the complementarity between local and universal judiciary mechanisms.

The AU has not deliberately used the term ‘transitional justice,’ but its manifestations have been salient in its mandates and operations. Its Panel of the Wise has, however, noted that transitional justice is not a readymade tool but a variety of mechanisms whose effectiveness depend on a number of variables as well. The initiative intends to produce an information toolkit to respond to the intertwined objectives of

securing justice, peace, the rule of law and prevention of future conflicts in Africa (CSVR 2015). Its objectives correspond with the UN definition of transitional justice as ‘the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation which include both judicial and non-judicial mechanisms (2004). This definition was certainly informed by the UN’s philosophy that, ‘...there is no higher goal, no deeper commitment, no greater ambition than the prevention of armed conflict (UN 1998).

7.1 Transitional Justice Tools in the African Union Draft Policy Framework Toolkit

The 2011 Panel of the Wise Meeting made the following recommendations about the African Transitional Justice Framework:

- The development of home grown, flexible guidelines and principles based on consultation and not prescription;
- The bridging of the peace and justice gap and the role of amnesty;
- The building of complementary synergies and linkages between local and universal justice mechanisms;
- The addressing of justice by going beyond the narrow retributive justice conceptions by including restorative and transformative justice principles cognisant of socio-economic and gender justice, and all-stakeholder participation;
- The inclusion of mediation, monitoring and evaluation to make the transitional processes comprehensive;
- Commitment to the fight against impunity and the need for accountability;
- The need for AU and sub-regional mechanisms to draw on the existing mutually reinforcing measures on justice and accountability;
- The need for a consultative process that includes civil society and citizens to inculcate a sense of ownership and identification of individual and community needs as well as national imperatives.

These recommendations are arguably a response to pressure, both from within and from without, to embrace new policies that address impunity, seek truth and justice and reconcile deeply wounded societies (Ero and Khadiagla 2013). The admission that local efforts can mutually combine or be complemented by national and, or international mechanisms is a positive development.

What further makes the initiative more attractive is the fact that, right from start, the AU steering committee articulates the need for accountability mechanisms, truth recovery mechanisms, victim-centred reparations, institutional and legal reforms, socio-economic rights and gender justice (CSRV 2015). These requirements can be traced to the Nuremburg and Tokyo Trials when, even the victorious

Allied Powers viewed justice as a critical element in the attainment of enduring reconciliation and peace.

As discussed in Chapter2, an outstanding feature in these transitional justice methodological approaches has been the debate on whether peace should take precedence over justice. On the 1972 World Peace Day commemorations, Pope Paul VI defined justice as an ‘immobile goddess’ and underlined that, ‘If you want peace, work for justice’ (1972). This has been reinforced by the UN call that, ‘Justice, peace and democracy are not only exclusive objectives, but rather mutually reinforcing imperatives’ (UN 2004, cited in Ero and Khadiagla 2013:13). The call shows that simultaneous ‘strategic planning, careful integration and sensible sequencing of activities’ is very critical in advancing justice, peace and democracy (UN 2004, cited in Ero and Khadiagla 2013:13). The call is useful, in view of the difficult ‘task of balancing the imperatives of justice and reconciliation with the political realities of managing impunity’ that arise from unconditional amnesties (Ero and Khadiagla 2013:11).

7.2 Elements of transitional justice

As noted in Chapter2, the UN (2010) defines transitional justice programmes as ‘both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reform and national consultations...or an appropriate combination thereof.’ This research focuses on judicial trials and prosecutions, truth and reconciliation commissions, reparations and institutional reforms.

7.2.1 Judicial Trials and Prosecutions

Judicial trials and prosecutions can be traced to the Nuremberg and Tokyo Trials after WWII. As highlighted in Chapter2, the tribunals seek not only to name, shame and punish the guilty, but also seek justice without recourse to violence and retribution (Mani 2002). Judicial trials can be credited for simultaneously seeking both truth and justice. They can be presided over by a local (national), international court or both (ICTJ 2010). It is noteworthy that the UN (2010) embraces Lederach’s (1997) reconciliation theory which urges the State to exercise jurisdiction over the trial and prosecution processes to ensure credibility and legitimacy, the benchmarks of objective and impartial legality.

The evolutionary dynamics of transitional justice processes indicate that judicial trials and prosecutions have shifted significantly from their alleged ‘victor’s justice’ approach to victim-centred accountability. The most important element of this methodology is that alleged human rights’ violators are made to account for their actions under the best possible circumstances. However, new laws can be tailor-made to suit the situation at hand. It is the pursuit of justice through accountability which should underpin the processes. According to the *UN Approach to Transitional Justice* (2010:7), judicial trials and

prosecution initiatives ‘aim to ensure that those responsible for committing crimes, including serious violations of international humanitarian law and gross violations of international human rights law, are tried in accordance with international standards of fair trial and, where appropriate, punished.’

The prosecution and possible punishment of the offenders conforms to the dictates of international law which strives to prevent impunity, restore the rule of law and nurture a culture of respect for human rights (Ero and Khadiagla 2013). This shift toward accountability was arguably motivated by the need to deal with contentious issues such as impunity and amnesties. Prior to this shift, perpetrators were either unprepared to account for their actions or were invariably ‘immune’ to both prosecution and punishment. The UN’s (2010) insistence on systematic checks and balances on the justice delivery system guarantees constant monitoring, assessment and compliance with international standards. Conformity with international standards minimises the nurturing of violence and impunity through unconditional executive amnesties.

The UN (2010:8) assures that ‘assistance of the international community might also be required for exhumations, forensic analysis, investigations of mass crimes, and preservation of evidence.’ In cases like Zimbabwe, where the State is the alleged perpetrator, ‘transitional justice programmes will seek to reinforce or develop national investigative and prosecutorial capacities, an independent and effective judiciary, adequate legal defense, witness and victims’ protection and support, and humane correctional facilities’ (UN 2010:8).

As noted in Chapter2, complementarity between the international and local/national justice systems is necessary in cases where the national judiciary is too weak to hold the State accountable for human rights violations. Competent national legal institutions are expected to be independent, credible and resourced. They should adhere to constitutionalism and the rule of law. The purpose of complementarity is to strengthen local accountability for internal crimes and gross human rights abuses. The local legal institutions’ inability or unwillingness to effectively deal with the legacies of massive human rights’ violations has compelled the international community to come up with international justice frameworks in the form of ad hoc tribunals, hybrid courts and the ICC. The UN (2010) hails the emergence of international hybrid criminal tribunals’ concurrent jurisdiction as ‘a historic achievement in seeking accountability for international crimes.’

The International Criminal Tribunal for the Former Yugoslavia (1993), the International Criminal Tribunal for Rwanda (1994) and the Special Court for Sierra Leone (2002) are examples of ad hoc tribunals set up courtesy of the UN Security Council to prosecute high ranking officers accused of violating international humanitarian law (Ero and Khadiagla 2013). As noted in Chapter2, the initiative

was motivated by the growing international shift to pursue global justice. These ad hoc mechanisms were replaced in 2002 by the permanent ICC, designed to hear cases of war crimes, crimes against humanity and genocide from anywhere in the world.

Notwithstanding the merits of the ad hoc tribunals, Asmal *et al.* (1996:19) pose a controversial question and query their credibility and impact on historical discourses. They contend that:

The particular kind of credibility that derives from criminal trials may be inappropriate for historical verdicts. The necessity to prove the minutiae of individual cases beyond a reasonable doubt in an elaborate and formal process can establish an uneven playing field in favour of the perpetrators; and it can constipate historical debates. Moreover, it is common knowledge that there is often a difference between a criminal verdict of ‘not guilty’ and an affirmative finding of innocence. Thus, history suffers if it is viewed through a judicial lens.

Perhaps, to make up for the noted inherent local courts’ deficiencies, hybrid courts are now preferred. The *ad hoc* hybrid courts blend national and international law to capacitate local judiciaries’ pursuit of accountability. They are an ideal alternative in situations where domestic judiciary mechanisms are unable to preside over heinous crimes against humanity. They enable the international community to aid rather than eclipse domestic mechanisms. A typical example is the Special Court for Sierra Leone which had to operate on the human rights violations scene using local resources. Set up in January 2002, the Freetown-based Special Court for Sierra Leone was mandated by the UN to back up the Sierra Leone Truth and Reconciliation Commission because the domestic judiciary system was too weak to cope with the impending prosecutions in the post 1991- 2001 civil war. The Special Court for Sierra Leone issued its first indictments for war crimes committed by the former rebel leader Foday Sankoh and his military commander Sam Bockarie in 2003 (Jeong 2005:170). The Court also brought criminal war charges against Charles Taylor and other prominent perpetrators. The success of the Special Court for Sierra Leone tempted the AU Panel of the Wise to hail the model as the ‘wave of the future’ (AU Commission 2011).

Notwithstanding the Special Court for Sierra Leone’s success story, Sending (2009) warns that, while there are no ‘easy fixes’ to peace threats, wholesale privileging of universal knowledge and legitimacy over local initiatives can have dire consequences. Sending (2009) accuses policymakers and peacebuilders of being invariably ‘blind to both local content and ownership’ of peacebuilding efforts. Lack of securing and respecting local context and ownership, as noted in Sierra Leone goes a long way towards accounting for the relative success or failure of the ad hoc hybrid peacebuilding efforts.

Fortunately, the UN is wary of the deductive top-down and the inductive bottom-up dynamics. Based on its current efforts to simultaneously promote democracy, security and human rights, the UN claims that its prime obligation is to build democratic institutions and entrench democratic norms (UNSG

2007). Its claim that this mandate is achievable by helping post-conflict nations to harmonise state-society rapport is certainly informed by its invariable top-bottom approaches. There seems to be continuity and consistency on this policy shift. Ban Ki-moon, the incumbent UN Secretary-General, also bemoans that top-bottom approaches deny researchers a chance to focus on ‘national and regional roots of violence’ (2008 cited in Sending 2009). In sum, while the deductive top-bottom approaches assume that the art of peacebuilding should not consider both the background and context, bottom-up approaches are inductive because they generate knowledge about what works from indigenous experience which is contextual and based on material evidence (Sending 2009:4).

The bottom-up approaches enhance insightful conflict analysis. For instance, the multi-level triangle represents conflicts geographically, placing the disputing parties and the problem in relation to the geographical levels at which they operate (Fischer and Fischer 2010). The multi-level triangles (Figures 7.1 and 7.2) show that in a conflict situation, diverse interests emerge from different parties, hence the need to map the multi-level relations in order to deepen comprehension and identify the ‘shadows’ and entry points for intervention. A bottom-up approach therefore compels peacebuilders to consider the links, ‘shadows’ and issues between the grassroots conflicts and the universal context.

Schirch (2013:16) contends that grassroots ‘ownership and inclusion of local people’ in peacebuilding processes is essential in asserting ‘their vision of peace, security, stability, and justice.’ Inclusive participation shows them that they are key players in the decision-making processes of their own communities, rather than mere recipients and implementers of alien policies.

7.2.2 Truth and Reconciliation Commissions

The great enemy of truth is very often not the lie – deliberate, contrived and dishonest – but the myth – persistent, persuasive and unrealistic. Too often we hold fast to the clichés of our forebearers. We subject all facts to a prefabricated set of interpretations. We enjoy the comfort of opinion without the discomfort of thought (John F. Kennedy June 11, 1962).

Truth commissions have become the most preferred peacebuilders’ tool used to redress the legacy of human rights violations in post-conflict societies. The UN (2005:6) defines truth commissions as ‘official, temporary, non-judicial, fact’-finding bodies that investigate a pattern of abuses of human rights or humanitarian law, usually committed over a number of years.’ Truth commissions are therefore extra-judicial frameworks formed to either pursue democratic reforms or support ongoing peacebuilding processes. The motive is to redress the culture of violence and gross human rights abuses and promote a culture of peace and social justice. Ayee (2016) assesses the extent to which successor regimes that opt for truth and reconciliation commissions can effectively deal with their predecessor’s human rights violations and, most importantly, the feasibility of the non-recurrence measures.

Several definitions of truth and reconciliation commissions have been offered. Hoffman (2003) and Stanley (2005) (cited in Tshuma 2015) define truth commissions as transitional justice mechanisms usually set up during a transition from human rights' violations to democracy.' A more plausible definition views truth commissions as tools of transformative social action based on the assumption that collective memory of the past helps to prevent future recurrence of violence (Du Toit 2011 cited in Tshuma 2015). Ayee (2016:1) posits that, 'An important objective of truth and reconciliation commissions involves instituting measures to address serious human rights' abuses that have occurred as a result of discrimination, ethnocentrism and racism.'

Consequently, the term truth commission 'is a generic term for official bodies set up to investigate and report on a pattern of human rights' abuses' (Leebaw 2001: 363). As noted in this research's theoretical framework and the research paradigm, 'establishing a transformative mechanism may serve as a pragmatic approach in trying to address the legacy of post-colonial Zimbabwe's injustices' (Tshuma 2015:1). The common feature about truth commissions is that they endeavour to explain what happened. However, truth commissions should not be regarded as 'a universal remedy' given the diversity of contexts within which they occur (Ware 2015:1).

Zimbabwe needs a transitional mechanism that can peacefully transform the country from the current culture of violence to a culture of peace and justice. Chiromba, a Zimbabwean Catholic Priest and a member of the National Transitional Justice Working Group (2015) underscores that 'healing only takes place when people know the truth about what happened...(and) all stakeholders should be consulted in searching for the truth' (cited in Mushava 2015:2). This means that, no matter how sensitive and unspeakable, truth recovery is a pre-condition to healing and reconciliation. The process of truth recovery should be urgent, before opportunities to know what happened are lost through, inter alia, destruction of evidence and even deaths of eyewitnesses.

According to the UN's Principles 2 and 4 (of truth commissions), knowing the truth about a bad past is an 'inalienable right' (2005). Therefore, everyone has the right to know the truth about the legacy of a bad past and the root causes of the conflict in order to move forward. This full and shared knowledge 'provides a vital safeguard against the recurrence of violations,' as benchmarks for the formulation of anti-impunity measures. Truth seeking is a delicate process in peacebuilding; it has the potential to either heal or to re-victimise. The uncertainty of the outcome should however not be a license to simply forget and forgive. Utmost care should be taken and the all-stakeholder participatory approaches embraced (Chiromba 2015 cited in Mushava 2016).

Therefore, truth commissions endeavour to rigorously investigate past human rights abuses and produce a report on findings and make recommendations on the way forward (UN 2005). In support of this UN observation, Neier (2009:21) argues that:

By acknowledging what happened, a nation is able to debate honestly why and how dreadful crimes came to be committed. To identify those responsible, and to show what they did, is to mark them with a public stigma that is a punishment in itself, and to identify the victims, and recall how they were tortured and killed is a way of acknowledging their worth and dignity.

In sum, credible truth commissions must not only be legitimised by a Presidential decree or an Act of Parliament, but also be well funded, independent and backed by popular will. Since Uganda's controversial (and inauthentic or sham) 1974 Truth Commission established by Idi Amin to investigate disappearances caused by his own regime, the mechanism has become a popular tool in the peacebuilders' toolkit. Truth Commissions are now in vogue; Africa has had more than thirty truth commissions since 1991 (Bronkhorst 1995:10 cited in Hay 1999:31). Nevertheless, it is the institutional design and mandate of a truth commission that informs the inherent variations in truth seeking.

Hayner (1998), a researcher in truth commissions, argues that far beyond simply finding and establishing the truth, the bodies have also been mandated to perform a wide-range of international norms' missions. For instance, they have become 'the most prominent government initiatives dealing with past crimes and the central point out of which other measures of accountability, reparations and reform programmes are developed' (Forum 2009:21). The issue of bottom-up approaches is hereby prioritised. This approach is credited for prioritising the aspirations of the victims/survivors (Lederach 1997; Sending 2009; Wielenga 2015). Its greatest merit is that it is premised on all-stakeholders' participation. Involving the victims, survivors, bystanders and even the perpetrators is critical in establishing the causes and solutions to conflict, as well as preventing recurrence (Hayner 1998).

It is, therefore, discernible that in spite of the fact that truth and reconciliation commissions take an invariably top-bottom approach, they are cognisant of criminal trials and traditional ways of conflict transformation. This kind of hybrid design diffuses the tendency to perceive all vertical top-down approaches in terms of 'us-them' identities. Invariably this identity phenomenon can mutate into multiple and complex polarised divisions. As noted in the South African TRC, case study below, the model requires a presidential decree or an act of parliament to legitimise it. However, this research established (Chapters 9 and 10) that community-based initiatives emphasize restorative justice based mainly on truth telling and acknowledgement.

Notwithstanding the fact that the primary objective of truth commissions is to investigate past crimes and make a solid record as well as recommendations, truth commissions may have further diverse

motives. These varied mandates are determined by the context as well as the resources, time frame and expected outcomes of each. Well-resourced truth commissions, with subpoena powers are expected to go beyond mere fact-finding while those empowered to identify tormentors are 'more likely to secure at least a symbolic measure of greater accountability' (Zimbabwe Human Rights NGO Forum 2013). Some emphasise national reconciliation and the need to close the past chapter, others are regarded as a stepping-stone toward prosecutions; while others view the investigations as a means to signal the dawn of a new era (Forum 2009).

Although more than twenty commissions of truth and reconciliation or human rights' violations inquiries have been set up since 1974, the most quoted were established between 1983 and 2007 in Argentina, Chile, Rwanda, South Africa, El Salvador, Guatemala, East Timor, Sierra Leone, Ghana, Liberia, and Kenya. The Commission of Inquiry into the Disappearances of People in Uganda set up in 1974 by Idi Amin was the first to exist. Researchers have used these case studies for different reasons such as conditions necessary for successful reconciliation and comparative analysis. For instance, the Ugandan effort was a mere window dressing effort; it was set up by a dictator who had overthrown another authoritarian, Milton Obote. Ironically, Idi Amin set up the Ugandan Commission to investigate human rights abuses he himself had committed (United States Institute of Peace). This explains why the Commission's findings were never made public. They were mere window-dressing.

The Chilean Commission on Truth and Reconciliation set up in 1991 was phenomenal in that it coincided with the incredible evolution of the transitional justice concept discussed in Chapter 2. President Aylwin decreed the setting up of 'the Chilean Truth and Reconciliation Commission in 1993 to investigate his predecessor, and military dictator, Pinochet's gross human rights' abuses. Aylwin's initiative was supported by Chile's judiciary. Jose Zalaquett the Chilean lawyer's legendary statement that, 'truth does not bring the dead back to life but brings them out of silence' gave the Chileans hope. The Commission's massive interviewing of survivors and meticulous documentation of their narratives cultivated mutual rapport which prompted many to open up (Zalaquett, cited in Hay 1999:40). It was indeed an opportunity to ensure and honour the dignity of the victims and survivors by creating a collective memory of the past. The prospects for reparations and restoration of broken relations through structural reforms could have promised a non-recurrence of the abuses. The trust in the Commission was however short-lived; President Aylwin meekly submitted that he was fully 'aware that full justice is not achievable...' (Boraine and Levy 1995:39 cited in Hay 1999:31-32). Even his public apology and appeal for forgiveness cost him credibility, as victims felt cheated by the unconditional pardoning of the perpetrators (Boraine and Levy 1995:39 cited in Hay 1999:32).

In spite of his good intentions, Aylwin failed to realise that, ‘Victims need to be acknowledged, particularly those who stood for justice and what was right’ (Hay 1999:47). Victimhood has always attracted sympathies. However, more than sympathy what is required is that their worth and dignity need to be re-established, including ‘the right to a full investigation and redress (Bronkhorst 1995:100 cited in Hay 1999:40). In order to ensure enduring reconciliation; the human-inflicted agony of the past needed redress through appropriate words and concrete actions. The process required harmonisation of justice and prudence; to enable perpetrators to account for their actions and make amends. A common and shared future could not be guaranteed as long as these missing links remained unresolved. Nevertheless, the Chilean Truth and Reconciliation Commission became the pacesetter for future truth commissions; it ushered in aspects of truth telling and reparations.

The South African Truth and Reconciliation Commission (1996-1998) was arguably inspired by the Chilean Truth and Reconciliation Commission. The Cape Town-based South African TRC has been hailed globally as a phenomenal triumph, primarily because it consciously ruled out the ‘victor’s justice’ (Sooka 2011 cited in Green 2016). The TRC ‘was meant to be the healing balm for a nation traumatised by the horrors of apartheid’ (*AFP News* 2016). Though viewed with mixed feelings of both hope and apprehension, the TRC framework was ideally designed to steer post-apartheid South Africa to multi-cultural democracy, as defined in the ‘*uMzansi/ rainbowism*’ popular narrative.

Being a product of a negotiated settlement, the Mandela-led African National Congress government ushered in in 1994, realised that given the prevalent uncertainties, ‘victor’s justice’ was futile. The need to make a new start and heal the new nation was unquestionable but the question was ‘*how*’ to go about the process (Hay 1999). Given the circumstances, investigating all apartheid human rights abuses was therefore the best option. Kane-Berman (1993) traces the complex history of the political violence in contemporary South Africa to the advent of the National Party government in 1948.

The Act of Parliament (Promotion of National Unity and Reconciliation, No.34 of 1995) that formed the TRC mandated the model ‘...to bring about unity and reconciliation by providing for the investigation and full disclosure of gross violations of human rights committed in the past’ (Hay 1999:32). The TRC became a reference point for reflections on transitional justice processes elsewhere. It became a global role model. History will record it as a legacy that in apartheid, Mandela saw ‘injustice and tried to fix it’ (Stengel 2012:8). Mandela’s personal sacrifices in making the TRC initiative a lived-dream are explored in Chapter3.

Stakeholders in the transitional justice process have to grapple with which form(s) of justice to take. The context will determine whether retributive or restorative justice, or both, should be adopted. This

stage is critical in that the credibility and legitimacy of the chosen framework will depend on its composition and strategies in dealing with the past. Issues of credibility are further measured by the calibre of the framework's commissioners, engagement with other relevant stakeholders and above all, the political will of the government (Machakanja 2011). The grassroots, who invariably form the bulk of the intended beneficiaries, must be actively involved together with civil society organisations, which should peer-review the whole process from agenda formulation to evaluation.

The South African TRC had the power to investigate crimes committed between March 1, 1960 (Sharpeville Massacre) and December 5, 1993, including the use of subpoena and seizure powers, to have public hearings and to recommend the granting of an amnesty on condition that perpetrators made full disclosure of their crimes (Reeler and Mue 2015:12). The seven-volume (TRC) *Final Report* was premised 'on the principle that reconciliation depends on forgiveness and that forgiveness can only take place if gross violations of human rights are fully disclosed. What is, therefore, envisaged is reconciliation through a process of national healing' (Hay 1999:33). The public hearings afforded the multi-cultural nation a rare moment to confront and reflect on their shameful past.

However, since reconciliation is a broad phenomenon, and with the Act of Parliament not explicit on its intended goal, it will remain difficult to precisely monitor and evaluate the feasibility of the model. Even the term 'reconciliation' has been contested, with Hay (1999:30) describing it as, 'one of the most abused words in recent history in South Africa.' Hovland (2003:12) also contends that, 'the use of the concept of reconciliation in post-apartheid South Africa has unintentionally facilitated – more than it hindered – the continuation of violence as the single most determining factor in South African political life.'

Moreover, the TRC's quest for national reconciliation based on 'full disclosure' for amnesty has been heavily criticised as 'a reckoning of apartheid's criminal governance' and a 'Trojan Horse' to smuggle an unpleasant aspect of the past (impunity) into the present political order, to transform political compromises into transcendental moral principles (Asmal *et al.* 1996; Villa- Vicencio 2004). This sounds ominously like what has been happening in Zimbabwe.

Hlengiwe Mkhize, the Chair of the TRC's Reparations and Rehabilitation Committee (1995-2003) admits that the 'truth-based amnesty' was abused in so many ways. For instance, while young people drawn into the apartheid system of brutality qualified for the TRC amnesty, even known adult perpetrators and criminals also benefited. Mkhize (2016 cited in Green 2016) confides that the lack of a definite vetting criterion for amnesty applicants was a loophole exploited by many known apartheid agents, much to the chagrin of the victims who felt cheated and re-traumatised by the rigour of the TRC

questioning. As a consequence, 'Time and again, when you talk to members of the community, it's almost like it didn't register in their mind that some of the security guys qualified for amnesty, as long as they made full disclosure' (Mkhize 2016 cited in Green 2016).

Termed 'the religious-redemptive narrative' by Wilson (2001:109, cited in Hovland 2003:14), the TRC sought truth in order to foster reconciliation through 'confession, forgiveness and redemption.' Boraine, the TRC Deputy Chair, justifies the truth-telling condition in order to avoid the 'I did not know' cliché (2000:155). This exposes the futility of 'trading off forgiveness for amnesty.' The resultant forgiveness would 'deal with the societal symptoms of the violent macro/micro dynamic such as displaced frustration, violence and grief, while leaving the root causes and the old macro/micro dynamics intact' (Hovland 2003:14).

The Catholic Bishops' Conference of Southern Africa (1997) considered the issue of amnesty as 'a major flaw that perpetrators do not have to ask for forgiveness nor make some form of restitution' because contrition has to be voluntary (Green-Thompson and O'Leary 1998:3 cited in Hay 1999:45). The issues of amnesty, prosecution and reparations remained an albatross around the TRC's neck. The Bishops also question the wisdom of sacrificing justice 'in favour of political expediency,' arguing that the government had to motivate the civil society and the business community to assist in resource mobilisation (Green-Thompson and O'Leary 1998:3 cited in Hay 1999:45). The 'us-them' divide caused by the limited awareness and civic education has also been viewed as a major obstacle to the TRC's mandate.

Mamdani (1996), perhaps the fiercest critic of the South African TRC decries its emphasis on amnesty and forgiveness as 'reconciliation without justice.' Mamdani (1998:14-15) queries how the TRC was tailor-made to highlight the identity of apartheid perpetrators while obscuring that of beneficiaries. Premising his main argument on the assumption that without a measure of social justice, reconciliation cannot be durable, Mamdani warns that the reconciliation process that 'masks the continuation of privileges invites revenge' (1998:15). Naude (cited in Hay 1999:30) supports this argument; he underlines that, 'No healing is possible without reconciliation, and no reconciliation is possible without justice, and no justice is possible without some form of genuine restitution' (Naude cited in Hay 1999:30).

Marjorie Jobson the director of Khumulani, a support group for survivors and victims of apartheid crimes, acknowledges both the merits and demerits of the TRC. She notes that, 'the TRC did serve the purpose of ending most of the denialism of white South Africans about the atrocities that happened. Hay (1999:29) concurs that 'South Africa opted for a Commission that would do its utmost to uncover

the truth and contribute towards reconciliation.’ However, the TRC has been hamstrung by its failure to consider justice for the people who were harmed by apartheid (*AFP News* 2016).

The criticism levelled against the TRC is not unfounded. By-and-large, the TRC model proved to be a reconciliation flagship at national rather than local level. Through its credible leadership, the TRC dismantled the shackles of apartheid and instituted institutional reforms. Regrettably, President Mandela’s talk of a ‘vibrant culture of public debate’ in a democracy (Asmal *et al.* 1996), has not been walked. In practice, the use of subpoena and seizure powers on non-cooperative tormentors has either been selective or haphazardly applied. Victims and survivors of apartheid crimes cannot heal or forgive before certain conditions are met, key among them, establishing the fate of their beloved ones and the realisation of justice. Not all human rights’ violations were investigated and recorded; thereby making it another forgive and forget approach. Naturally, it is not easy to cope with one’s loss when the perpetrator remains scot-free.

The TRC’s limited success at local community level could be ascribed partly to lack of consultation and education on the model. Hamber (1998 cited in Wielenga 2015) argues that many grassroots participants did not initially comprehend the amnesty dynamics and expected nothing short of punishment and at least some reparations for the hurt endured. The general feeling as epitomised by the Biko family’s dismissal of the whole process as fraudulent is that the victims were denied redress, and their fate has continued unabated. This disillusionment could have been exacerbated partly by the unrepentant former President P.W. Botha’s contempt of the national peace and reconciliation efforts when he rubbished the entire TRC process as a ‘circus’ (Boraine 2000). Such lack of remorse by high profile alleged perpetrators undermined the public trust, respect and credibility of the whole process. Waynand Malan, a TRC Commissioner of Afrikaner origin strongly feels that the TRC erred by not holding P.W. Botha to account for the apartheid atrocities: He regrets that, ‘...it was a major mistake, an opportunity was lost, when initially the TRC did not get P.W. Botha to give us a framework of his understanding of conflicts of the past. He answered some questions but only late...’ (Malan 2016 cited in Green 2016).

Racial polarisation has continued unabated. Two decades after the demise of apartheid, some whites continue to denigrate blacks. As epitomised by Penny Sparrow’s labelling of ‘black beach-goers as worse than monkeys,’ racism has remained a post-apartheid challenge (*Reuters* 2016). Even reverse racism exists, as the apartheid legacy haunts South Africans and many black people hate all whites – perceiving them to be the previous oppressor and causes of grave injustices and human rights abuses. The “us versus them” phenomenon exists in both black and white South African communities.

Equally too ghastly to contemplate is the Nokutula Simelane abduction case. Simelane, a 23-year-old anti-apartheid and ANC's military wing (Umkonto weSizwe) courier abducted by the apartheid security forces in 1983, is yet to be accounted for (Mashengo 2015). The abduction case has been one of the TRC's lowest points; in 2001, the Amnesty Commission overruled the police docket (opened in 1996) and unconditionally granted amnesty to the four suspected abductors (Mashengo 2015:4). Twenty years later, the peacebuilding-minded organisations like the Southern Africa Litigation Centre have prevailed upon the South African High Court to act on the Simelane Case. Justice delayed may be deemed justice denied but, if the four suspects are tried, the hope for justice amongst victims and survivors of apartheid crimes will be revived (*AFP News* 2016).

Research on the outcomes of the South African TRC indicate that many victims feel cheated because they had somehow anticipated interpersonal or intercommunity healings (Van de Merwe and Chapman 2008). The prevalence of ethnic, racial and socio-economic challenges in South Africa bears testimony to this claim. Ironically, the unemployed 'celebrate' that they can now freely beg in the post-apartheid era. With the benefit of hindsight, it is regrettable that the TRC model did not devise apparatus' that could embrace a holistic and inclusive approach backed by 'follow-through' monitoring and evaluation mechanisms. The Pietermaritzburg Agency for Social Action (PACSA) (2015) contends that, 'the truth and reconciliation commission process did little to address the underlying issues and failed to take South African people through a healing process that would address the pain and trauma that many had to endure under apartheid.'

The prevalence of unprecedented violence in South Africa, as evidenced by the endemic ethnic, racial and unmitigated xenophobic tensions, can be traced directly back to the TRC's unfinished business. The assurance by the Justice Ministry to recognise and restore the honour and dignity of victims through, inter-alia, compensation and reparations must be fulfilled. President Zuma's call that, 'everything possible must be done to prevent violence and to assist the police to apprehend the perpetrators' is commendable (*Timeslive* 2016:1) but must be complemented by concrete actions.

PACSA (2015) argues convincingly that, 'nothing has changed since the end of apartheid.' Despite South Africa's 'remarkable political and social transformation and development gains since 1994, the country continues to experience staggering levels of deaths, injuries and disabilities arising from violence' (Foundation for Professional Development 2016). Research has demonstrated that the perpetuation of 'material and attitudinal structures' has exacerbated socio-economic inequality and general poverty as evidenced by high levels of unemployment, poor education and criminal activities (PACSA 2015). This is another testament to the need to privilege the local context and legitimacy, rather than top-down approaches. It is now clear that the South African peace and reconciliation process

could have dealt with the root causes of both material and attitudinal structures that continue to fuel inequality and division (PACSA 2015).

The TRC's 'unfinished business' manifests: a cause for concern to note that during its four-year tenure (1996-1998), the TRC granted only 1,000 amnesty applications out of the 7,000 applicants (*AFP News* 2016). Its Chair, Tutu, bemoans that of the 300 cases recommended by the TRC for prosecution, 'less than a handful of these cases have been pursued' (*AFP News* 2016). Twenty years later, most of the cases recommended for prosecution are yet to be investigated. Some of the apartheid crimes may be too complicated to investigate. However, concerned survivors and researchers blame the State, for either trying to wish the violations away or simply lacking the political will to pursue them. Yasmin Sooka, a former TRC Commissioner and current director of the Federation for Human Rights contends that 'there is a real lack of political will' on the part of the ANC government (*AFP News* 2016). The lack of political will may be a result of collaboration and/or complicity between the past and the present (Jobson 2016, cited in *AFP News* 2016).

However, Mthombothi (2016:17) reminds Mandela's critics to give credit where it is due and blame his successors for the ills facing South Africa. Even Cyril Ramaphosa acknowledges that Mandela was the 'Father of South African reconciliation' who 'set the course, but did not steer the ship' (cited in Stengel 2012:201). His legacy of magnanimous reconciliation premised on collective responsibility should have been sustained by his successors. For instance, Thabo Mbeki is accused of being principally responsible for the ANC's initial 'rejection of the TRC's final report, an approach based on demagogic and wilful misrepresentation of the report's mild critique of the ANC's own abuses in exile, that undermined much of the positive resonance the report might have been expected to have' (Gumede 2002:45-46).

The raging allegations that Mandela was 'too nice' to everyone except to his estranged wife, Winnie, the erstwhile 'Mother of the Nation' and that the TRC endorsed the socio-economic *status quo* seems to absolve Mandela's successors and other actors. The controversy surrounding the TRC is not new. Boraine, the TRC Deputy Chair submits that the controversy has been a salient feature of the TRC history (2000:188). It is in the public domain that Winnie had to prove her innocence on numerous abductions and murder allegations; hence, the TRC could overlook the human rights violations linked to her (Boraine 2000:188).

Tutu (1999) concurs that poverty alleviation was the prime mandate of the TRC. He confides that, the TRC recommended that, reconciliation meant economic empowerment. Very little has changed, as the rich-poor divide continues unabated. The socio-economic disparities and the associated ills that ravage South Africa can be directly linked to the State and the business community's lack of will to come up

with sustainable capacity building strategies (Gumede 2002). It is ironic that the ANC Government 'is called on to help the poor through reparations and development, while its on-going role in producing their poverty is veiled' (Hovland 2003:14). I note with great concern, that efforts by the ANC government to 'revive and safeguard' African 'cultural values' may further entrench racial polarisation at the expense of the wretched grassroots communities. There is need for a wholesale attempt to redress the racial inequalities in education, health, religion and economic opportunities. Culture should be celebrated, but not in isolation.

No post-conflict settlement is ever perfect. In just one five-year presidential term (1994-1999), Mandela diplomatically handled an explosive and intricate post-apartheid era by rightly prioritising nation building, with primary emphasis on human capacity building. In his study on whether truth can reconcile post-apartheid South Africa, Gibson (2004) concluded that, truth can facilitate reconciliation and help in dealing with the past and moving to a more democratic future. These conclusions are in sync with Boraine's critical, but complex questions (2000):

- What were the inherent challenges of the TRC?
- What were the merits of amnesty over criminal prosecutions?
- What are the achievements and failures of the TRC?

In retrospect, the TRC model was commendable but not a panacea for all imminent challenges. I contend that it earned worldwide acclaim partly because it proved that a successful and durable national peace and reconciliation process is possible when best practices, such as inclusive stakeholder participation are adhered to. Hovland (2003:7) warns that, while researchers have persistently acknowledged the inherent flaws of the TRC, there is a 'strong underlying assumption that post-apartheid South Africa would have been worse off without reconciliation.' This assumption has acted as an opium which has soothed them 'to cope with the symptoms of estrangement and frustration at a personal and local level but without actually bringing about any change in the macro divisions and structures that have been caused by the estrangement' (Hovland 2003:10). The TRC can serve as an opium in the sense that it 'massaged' them into embracing temporary gains. Hovland (2003:10) concludes that the TRC failed to make South Africa less violent because it could not break 'the old, violent dynamic between macro-level divisions and micro-level estrangement and frustration.'

The on-going advocacy for broad public consultations and collaborative partnerships in violence reduction and prevention in South Africa is certainly a sincere realisation that a violence-free South Africa is possible through all-stakeholder participation. The First South African National Conference on Violence: 'Mobilising Science, Community and Policy for Prevention,' convened from August 15-17, 2016, launched a cross-sectoral and trans-disciplinary platform to focus on the science, community

partnerships and policy formulations required for significant violence reduction and peace promotion in South Africa (Foundation for Professional Development 2016). The initiative has the potential to lead, shape, and critically inform intellectual and social responses for the reduction and prevention of violence by bringing together researchers, community agencies, interventionists and policy makers. The initiative conforms to Hay's advice that, 'The night (apartheid) is over and the dawn is just beginning...' (1999:10).

Notwithstanding the noted demerits, the progressive deployment of the TRC tool in epic transitional justice processes shows that, whether by default or by design, the mechanism has been the preferred alternative (Du Toit 2004). The model has the potential to unmask the evils of the past if appropriately and effectively used (Boraine 2000).

From her studies on African truth commissions, Keil (2014) concludes that the tools are co-related with democracy and the rule of law. Therefore, if premised on the victims' right to truth, justice, reparations and preventive mechanisms, truth commissions have the potential to deliver. Keil (2014)'s comparative study on Mozambique and Sierra Leone reveal that in the latter, the model supported wider peacebuilding efforts and made informed recommendations. Moreover, the findings may not lead to enforcement of accountability, but identification of the key perpetrators informs the relevant stakeholders on the necessary action. Contrary to mere reconciliation commissions, truth commissions seem to offer a rare opportunity for a public platform where perpetrators can account for their actions, and possibly apologise and seek forgiveness (Forum 2009).

The TRC processes affected every South African in one way or another. From a positive perspective, it should be noted that for victims/survivors, it was vindication and affirmation of dignity and personhood, for bystanders it was an opportunity to get involved, and for perpetrators, an opportunity for truth-telling, repentance and reparations (Hay 1999:44). Therefore, truth commissions create a platform to hear the violations committed, recognise the victims' worth and possibly facilitate closure to the cases. Nevertheless, the TRC is yet to go back to the participants, particularly the grassroots to tell them the outcomes and the way forward. Sadly, this lack of immediate feedback compounded by continued socio-economic inequalities can reduce the TRC to a mere window-dressing ploy to formalise the *status quo*.

The key lesson learnt from the deployment of truth commissions is that peace by means of an unconditional amnesty is not principled. Painful as it is, truth must be sought and responsibilities acknowledged in an enabling environment. The South African TRC created a public platform to acknowledge the suffering and trauma endured under apartheid. Judge Khampepe, a former TRC

Commissioner acknowledges the inherent challenges such as structural injustices. She underscores the need to nurture the reconciliation processes in the same way trees are grown. She notes that, 'It is like a tree, that needs to be watered continuously, until it grows and takes firmly to root, and then you enjoy the benefits of the shade the tree will provide' (Khampepe 2016 cited in Green 2016).

The challenges faced by South Africa and other countries that have tried the TRC model should be learning curves from which the future has a lot to benefit. Expected outcomes of fact-finding, accountability, reparations, gender sensitivity and institutional reforms re-affirm the need to redress past human rights violations and restore the human dignity of both the victim and perpetrator. This ultimate goal is achievable if the model is independent from government interference and resource-capacitated to examine the root causes of the conflict and explore possible ways forward. If the root causes are found to be embedded in socio-economic and political structures, then it becomes imperative for the government of the day to engage the business community. The other player, civil society, is ever visible and omnipresent. In most cases, civil society acts as whistle blowers and is ready even to volunteer information and service. Zimbabwe can learn a lot from the above examples and let history teach it what not to do.

7.2.3 Reparations, collective memory and memorials

Reparations programmes seek to redress systemic violations of human rights by providing a range of material and symbolic benefits to victims. Reparations can include monetary compensation, medical and psychological services, health care, educational support, return of property or compensation for loss thereof, but also official public apologies, building museums and memorials, and establishing days of commemoration (UN 2010:8).

Ideally, reparations provide an ethical and critical component of transitional justice processes because they are victim-centred and seek to repair broken relations between the offended and the offenders. This confirms Ashworth's argument that, 'a person who intentionally or recklessly causes harm or loss should pay compensation or make restitution to his victim may be described as the very essence of corrective justice' (1986:107 cited in McCarthy 2009: 251). Reparations serve several purposes such as acknowledgement of wrong doing, material and spiritual support to victims and above all, they act as deterrent milestones against recurrence of violations. Therefore, reparations can help to 'repair damage, vindicate the innocent, locate responsibility and restore equilibrium' (Sharpe 2007:28). The prime motive is to restore victims to their prior state. As noted in Chapter2, Article 75 of the Rome Statute of the ICC was created 'to give victims a more central position within the international criminal justice system' (McCarthy 2009: 250).

Reparations must 'also compensate the victim for the consequences of the violation, and indemnification for material and non-material damages including emotional harm' (Muchadehama

2015 cited in Mushava 2015:1). Moreover, ‘there should be a causal connection between the reparations, the violation found and the harm produced. The State must implement reparation measures without discrimination on any of the grounds recognized by international law’ (Muchadehama 2015 cited in Mashava 2015: 1). This research firmly believes that the government of Zimbabwe has an obligation to make amends for the endemic culture of human rights violations and impunity. However, there are inherent challenges, such as the perpetuation of victimhood and assessment of the proportions between the gravity of violations and the damage incurred.

The essence of reparations has been a vehicle for justice from time immemorial. As part of their evolution, human communities embraced reparations in their diverse forms, in order to curb costly cycles of violence fuelled by retaliation (Johnstone 2002 cited in Sharpe 2007:26). The origins of modern legal systems and the role of reparations can therefore be traced from these primordial justice mechanisms. The motive is to devise a reparations scheme ‘that will address victims’ needs in a practical, meaningful and feasible way’ (Carrington and Naughton 2012:2).

The UN Office of the High Commissioner for Human Rights and International Law and its subsidiaries treasure the invaluable role of reparations in transitional justice frameworks (cited in AU Panel of the Wise 2013: 22). The issue of reparations also referred to as compensation adopted by the 1988 Resolution 1988/11 was re-affirmed by the UN General Assembly Resolution 60/147 of 2008 as ‘Basic Principles and Guidelines on the Rights to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law’ (UN 2008). International law has entrusted the government of the day to bear the financial obligations due to victims (Neier 1997). The government of the day is also obliged to enforce judicial determinations and to assume the compensation responsibility in the event where a perpetrator reneges, especially where it was either partially complicit or failed to take adequate preventive action to avert human rights’ violations (Chitsike 2012).

The UN Resolution 60/147 aims to: prevent human rights’ violations; investigate violations promptly and thoroughly and act on perpetrators; provide victims with equal access to justice, relevant information and timely and appropriate reparation (Zimbabwe Human Rights NGO Forum 2009). In sum, reparations must be victim-centred and responsive to their specific needs.

The UN General Assembly Resolution 60/147 identifies five inter-related components of reparations namely: restitution, compensation, rehabilitation, satisfaction and non-recurrence guarantee (2008).

7.2.3.1 Restitution

Restitution is the restoration of the victim to his/her pre-violation situation. This involves restoration of liberty, enjoyment of human rights, dignity, family life and citizenship, return to one's place of residence, return or replacing of property by monetary payment, or by performing direct services for the victims or buying them gifts (Van Ness and Strong cited in Sharpe 2007:27).

7.2.3.2 Compensation

Compensation is a contentious issue in transitional justice processes. Compensation should restore victims to their prior situation by compensating for all consequences of the violation and indemnification for both material and emotional damages (National transitional Justice Working Group Zimbabwe 2015). The payment can be in either kind or symbolic. Material and symbolic compensation differ in terms of primary functions: the former is given in kind to redress 'a specific harm or to compensate for the damage or loss associated with that harm,' while the latter 'speaks to the wrongness of the act itself' (Sharpe 2007:27). Research has shown that symbolic compensation, especially 'an apology and a sincere expression of remorse' goes a long way in repairing relations and restoring confidence (Strang 2004:98 cited in Sharpe 2007:28).

However, this research established that most victims of political violence in Zimbabwe expect material compensation from both the government and well-wishers. The latter, who include the opposition political parties and humanitarian organisations, are prepared to take measures to ensure the physical compensation and psychological rehabilitation of all victims of violence. The challenge is that non-governmental interventions may cause further victimisation as the government, which is also the alleged perpetrator feels exposed (Sachikonye 2011).

7.2.3.3 Rehabilitation

Rehabilitation is the provision of medical and psychological care, legal and social services.

7.2.3.4 Satisfaction

Satisfaction is a condition of social justice where the dead, the disappeared, the injured are officially accounted for in order to restore the dignity, rights and self-esteem of the victims. In addition, public apologies can be made together with acknowledgement of facts and responsibility. Commemorations and tribute to victims will go a long way in pacifying the survivors.

7.2.3.5 Non-recurrence

Non-recurrence guarantees the quest for *Nunca Mas* (Never Again) through preventive measures like institutional reforms. The security sector, the media and the civil service must be aligned in terms of international professional ethics, while the judiciary must be fair, impartial, independent and competent. These checks and balances are meant to guarantee non-repetition.

7.2.4 A reflection on the elements of reparations

The issue of reparations is contentious. Peace settlements that do not seek justice through deliberate public consultation, especially with the victims and with women, do not endure. In addition, the issue of memorialisation and collective memory is equally contentious. Memorialisation or ritualisation is about honouring the dignity, suffering and humanity of victims, both living and dead, and commemorating the struggles and suffering of individuals and communities (Jelin 2007 cited Chitsike 2012). Memorialisation symbolically fosters healing and reconciliation through the weaving of collective history which eventually morphs into ‘solid’ popular narrative. It is the collective nature of the narrative that enables eyewitness, victims/survivors and even the unborn to come to terms with their bitter past. More often than not, memorialisation occasions are emotionally overwhelming; some participants can weep or even pass out. For example, fifteen years after the September 9, 2001 killing of more than 3000 people in the alleged terror attack on the World Trade Centre in New York, survivors still find it difficult to find closure. Without tangible truth of what actually happened, survivors find it difficult to cope with their loss (Fieldstadt 2016). This is part of the painful ‘inner healing’ process which enables participants to come closer to themselves and take the next step forward.

Regular memorial commemorations can be learning curves as they preserve collective memory and history. The UN’s Principle 3 on Reparations and Memory underscores that, ‘A people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the state’s duty to preserve archives and other evidence concerning violations of human rights...’ (2005:7). Collective memory therefore aims at preservation of history from extinction and ‘guarding against the development of revisionist and negationist arguments’ (UN 2005:7).

Memorial commemorations punctuated with diverse activities such as music, drama, poetry, speeches, dance, eulogies, exhibitions, prayer, victim identification and testimonies do not open ‘healed’ wounds. Instead, keeping the memory of the dark past alive, raises the moral consciousness about past human rights abuses and cleanses the wounds (Machakanja 2010). There is a strong belief that, ‘if institutional reforms rehabilitate the physical aspect of society, memorialisation rehabilitates the spirit and not only cleanses its memory, but builds a new memory’ (National Transitional Justice Working Group 2015:12-13). Above all, the rituals can effectively prevent the recurrence of similar violations. Coupled with

physical symbols such as libraries, museums, monuments, parks, towers and statues, memorialisation creates an indelible and enduring collective legacy. Collective memory enables the victims to entrench their forgiveness and at the same time ‘brings the dead out of silence’ (Zalaquett 1993). Emblems like South Africa’s Hector Pieterse Museum preserve collective public memory of a bad past and remind posterity that the victims of the June 16, 1976 Sharpeville Massacre did not die in vain. Memorial monuments are therefore, symbolic and act as ‘never again’ milestones against recurrence. They can make perpetrators repent and the victims walk tall. Memorialisation can therefore enable post conflict societies to bury their traumatic past, and draw lessons from that horrible experience.

Bringing the perpetrators and victims together provides them with a rare opportunity to find common ground and the key to unlock what Hayner (1995) calls the ‘unspeakable truths.’ Memorialisation can, therefore, translate ‘impossibilities’ into possibilities.

The tone and theme of the rituals determines their effectiveness. For instance, the way the South Africans commemorate the demise of apartheid through salient anniversaries such as Freedom Day and National Youth Day is largely inspiring and reflective. Such occasions enable stakeholders to overcome their diversity and reflect on national challenges and opportunities.

It is, however, sad to note that memorialisations can also cause further victimisation and traumatising. Research has shown that during the annual Rwandese Genocide commemorations, traumatised survivors either retire ‘to go to the bush or hide in the forest for silence and meditation, particularly to places where their loved ones were killed’ (Gishoma cited in Never Again Rwanda 2016). Due care must, therefore, be taken to make the occasion inclusive.

The Mugabe regime has perfected the art of coercion and manipulation. Given the extent of polarisation and militarisation, the Zimbabwean memorialisations invariably begin and end with the ZANU-PF narratives. Public holidays like the Independence Day Africa Day, Heroes Day, Defence Forces Day and Unity Day have become predictable – the revolutionary virtues of ZANU-PF are extolled and the follies of their ‘enemies’ magnified. The occasions are invariably punctuated with military parades, mock battles and revolutionary songs and slogans. Attendance, especially in the rural areas and corporate funding is involuntary. In addition to this long list of commemorations is Mugabe’s February 21st birthday bashes, galas and pilgrimages to the historic, but neglected Chimoio Shrines in Mozambique. The politics of coercion coupled with patronage and hype nationalism has nurtured a culture of fear and mutual suspicion. The socio-economic meltdown has further compounded the woes of the poor whose fate is in the hands of the very elite responsible for their predicament.

Pursuant to the ‘forgive and forget’ strategy, ZANU-PF has actually muzzled all genuine efforts to commemorate the country’s bad past, let alone Mugabe’s human rights abuses and history of impunity. Owen Maseko’s *Gukurahundi* visual art was removed from the National Gallery in Bulawayo in 2010 (Figure 7.1). Instead of enhancing the GNU’s justice opportunity, Maseko’s exhibition entitled ‘*Let’s Drip on Them*’ were condemned for ‘undermining and insulting’ President Mugabe (*New Zimbabwe* 2015).



Figure 7.1 Part of Maseko’s banned *Gukurahundi* Art Exhibitions

Visual exhibitions have the potential to provide concrete remedies to *Gukurahundi* survivors and promote reconciliation and restoration of public trust in the State (UN 2010). I contend that such exhibitions could provide answers to questions such as: ‘*Whose madness?*’ and ‘*For how long should the ‘mad’ continue to prevail over the victims to relinquish what is owed to them?*’ Banning non-State memorial initiatives is a clear testimony that only the official historical narratives must be known. This is a violation of Sections 251-253 of the Constitution of Zimbabwe which call for national peace and reconciliation through honest truth telling and making of amends and provision of justice for the victims (2013:98-99).

I concur that reparations ‘are most likely to be effective when they are part of a package of measures that recognise past violations’ (Panel of the Wise 2013:23). This is critical because more often than not, the recognition of victims, which forms the most important symbolic part of the process, is eclipsed by other ‘urgent’ priorities such as infrastructural reconstruction and rehabilitation.

7.2.5 Institutional reforms

Institutional reforms are an important component of transition to enduring democracy and the rule of law. Public institutions like the security and judiciary sectors can directly or indirectly perpetrate human rights' abuses. The International Centre for Transitional Justice (2010) defines institutional reform as 'changing institutional structures, power relations and mentalities so that public institutions obtain levels of capacity and integrity that correspond to international standards of quality and competence' (cited in Forum 2009). The ultimate goal is not to witch hunt, revenge or dehumanise the perpetrators, but to identify them and remedy the structural defects (Galtung 1969). Therefore, institutional reforms foster a culture of respect for the rule of law and preventive mechanisms by creating a professional security sector (Reeler and Mue 2014).

Reeler (2015 cited in Mushava 2015:2) recommends that, 'transitional justice in Zimbabwe would only be possible if State institutions are reformed and government acts professionally and in a non-partisan manner.' Reeler's call that security forces should be subjected to 'the same standards of efficiency, equality and accountability as any other public service' is only possible through political will, constitutionalism and the rule of law (cited in Mushava 2015:2).

Common institutional reforms involve both non-criminal forms of accountability (vetting and lustration) and judiciary reforms (re-establishment of the rule of law and constitutionalism) (AU Panel of Wise Men 2013). Non-criminal and judiciary mechanisms are inherently mutually reinforcing; vetting and lustration reinforce the rule of law and judiciary reforms facilitate accountability for complicity in human rights' violations (AU Panel 2013). These mechanisms can be complemented by 'strengthening civil society organizations capacity to promote human rights, advocate democratic reforms, and monitor the performance of public institutions' (Forum 2009:49).

The UN (2010) advises that vetting and lustration processes of the security sector are important as they facilitate transformation by removing or banning the recruitment of known perpetrators. In support of non-recurrence, the UN (2005) recommends that:

- Public officials and employees who are personally responsible for gross violations of human rights, in particular those involved in military, security, police, intelligence and judicial sectors, shall not continue to serve in public institutions.
- Persons formally charged with individual responsibility for serious crimes under international law shall be suspended from official duties during the criminal or disciplinary proceedings.
- Civilian control of the military and security forces as well as of intelligence agencies must be ensured, and civil complaints procedures should be established and their effective operation assured.

Examples of institutional reform include Kenya and Zimbabwe's adoption of new constitutions in the wake of the 2007 and 2008 violence respectively. The Kenyan Constitution in particular provides a framework for a range of reforms, including the vetting of the judges and magistrates (Reeler and Mue 2014). Further examples include the vetting of the police in Former Yugoslavia and the lustration of communists in the post- Cold War era, the Czech Republic, Bulgaria, Latvia, Estonia and Saddam Hussein's supporters in Iraq. Lustration involves investigating and demoting or denouncing alleged former perpetrators (Bronkhorst 1995 cited in Hay 1999:31).

The UN (2010), however, further advises that the lustration should comply with due processes of the law and the non-discrimination principles. Vetting and lustration processes may produce undesired results if the dismissals are not carefully audited. The reforms may have to 'incorporate comprehensive training programmes for public officials and employees on applicable human rights and international humanitarian law standards.' The South African post-apartheid rebranding of security sector institutions, including change of uniform and vehicle colour codes may go a long way in restoring the society's confidence in their security sector system.

A cursory survey of Zimbabwe's institutional reforms is imperative. It has been noted that ZANU-PF's obsession with a one-party state system has inevitably obliterated the dichotomy between the State, Government, ZANU-PF and the security sector. This research was privy to documented cases of systematic State-sanctioned violence and the patronisation of the security sector, the judiciary, parastatals and the traditional leadership. The net result has been wanton disregard of the rule of law and human rights' violations and sanctioned immunity (National Transitional Justice Working Group Zimbabwe 2015). The on-going ZANU-PF factional and succession wars which have accounted for the purging of all perceived anti-Mugabe politicians can be traced directly to ZANU-PF's leadership cult.

It has also been noted with grave concern that the new Zimbabwean Constitution signed into law in 2013, 'hardly departs from a tradition of an all-powerful executive that has access to the entire security machinery without effective checks and balances' (Forum 2013:7). Clause 209 of the New Constitution creates a National Security Council consisting of the President as Chair, the Vice Presidents, Ministers concerned and Securocrats 'to develop a national security policy for Zimbabwe' (2013:85).

Equally lethal is Clause 213 which governs the deployment of Defence Forces of Zimbabwe (2013:85). Clause 213(2b) in particular perpetuates Zimbabwe's legacy of impunity by privileging the President to deploy the Defence Forces 'in support of the Police Service in the maintenance of public order' (2013:86). It is only after deployment of the Defence Forces that the President can, under Clause 212 (b) (i) inform Parliament of the forces' mandate and the place 'where they are deployed...' (2013:86).

In the light of the ZANU-PF-military alliance, this clause can be a recipe for brutal military repressions coupled with unconditional amnesties. It has also been gleaned that the two Commanders of the Defence Forces, Commissioner Generals of Police and Prisons and the Director General of Intelligence are limited to two, five year terms, and their appointment is a prerogative of the President (Forum 2013).

7.3 Selected African traditional transitional justice mechanisms

According to Tutu (1999:51), the (traditional) African view of justice is aimed at:

The healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be re-integrated into the community he/she has injured by his/her offence.

The ultimate goal of traditional justice systems amongst African communities is reconciliation based on truth recovery and accountability which helps them to restore harmony through consensus. Generally, African jurisprudence is expected to be collective and sustained by mutually laid out checks and balances. In practice, this restorative justice based on *Ubuntuism* is not applicable throughout Africa, but in principle, it provides a common model based on shared values. Such core values such as religion provide checks and balances. The revival of some African traditional justice systems is a realisation that there are some pre-colonial practices that have withstood the test of time.

I am neither saying pre-colonial Africa was the ‘Golden Age’ of Africa’s development nor resuscitating the justice mechanisms as the panacea to the violence plaguing the continent. I just want to assess the importance of the local context vis-à-vis external interventions in the peacebuilding matrix. The storytelling and listening nature of African traditional justice systems has an inherent harmonising and invigorating effect. Peacebuilders must always consider the local context in order to promote sustainability through local ownership (Sending 2009:1). Advocacy, mainly by civil society organisations to re-invent traditional African justice mechanisms is arguably informed by their inherent common ownership nature. Three case studies of (traditional) African justice systems will be discussed below.

7.3.1 The *Mato oput* traditional justice mechanisms in Northern Uganda

Arguably, the decision to ‘rediscover’ the *mato oput* framework in Uganda was motivated mainly by the indecisive outcome of the 1986 TRC and Museveni’s inability to deal with the Lord’s Resistance Army (LRA) rebels. The Joseph Kony-led LRA is one of the most brutal and debilitating, but ‘forgotten’ humanitarian crises in Africa. The conflict started when Museveni controversially usurped power in 1986. The Gulu and Kitugm-based rebels (Map 7.1) use the ‘grievance theory’ to justify their cause. According to Collier *et al.* (2006), the ‘grievance theory’ used invariably by rebel movements claim

that they are fighting against injustices ranging from deprivation, oppression, segregation and exclusion. Collier contends that rebel movements are motivated by greed rather than grievance.

However, given the historical complexity of the Ugandan conflict, in terms of parties, levels and issues (Figures 7.2 and 7.3), one cannot rule out regional disparity between North and South Uganda. The comparative North-South levels of poverty and socio-economic and political exclusion sustained beyond independence in 1962, constitute powerful grievances that drive the conflict cycle. The irony that the LRA rebels prey on the same Acholi people whom they purport to liberate, and establish a theocratic state based on the Bible's Ten Commandments (Appuli 2004) should not camouflage the underlying grievances. The horrible legacies of the LRA brutality fuelled by both new and deep-seated grievances keep survivors in a state of constant fear and trauma.

It is noteworthy that the pro-*mato oput* Juba Peace Agreement on Implementation and Monitoring Mechanisms (February 29, 2008) was a result of the collective efforts of South Sudan, the LRA, the UN, the Acholi Religious Leaders Peace Initiative, the Refugee Law Project, civil society organizations and the central government. Even Barney Afako, a Ugandan human rights lawyer and consultant to the Ugandan Amnesty Commission and Tim Allen, an historian-cum-anthropologist strongly backed the resuscitation of the *mato oput* mechanism (Atuhairi 2012). For Museveni, this has been an opportunity to gain legitimacy and conceal his alleged complicity (Wasonga 2006). Overt violence may have ended, but without comprehensive transitional justice processes to address issues, such reparations/compensation, truth-recovery and justice, the *mato oput* and interventions may not build lasting peace.

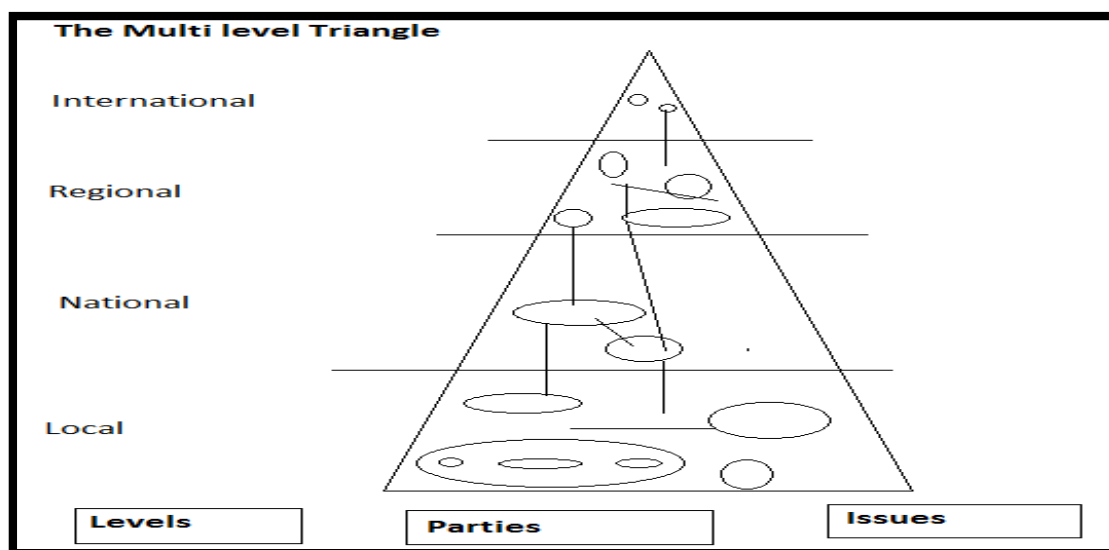


Figure 7.2 Multi-level mapping of conflict (The Gulu Conflict in Northern Uganda)

The *mato oput* is an Acholi restorative justice ritual performed to mend broken relations between individuals and the larger community. Accountability, truth-telling and reparations were central elements of the ritual. *Mato* means drinking and *oput* is a type of tree with very bitter leaves (Atuhaire 2012). Hence, *mato oput* literary means drinking a concoction of bitter herbs. The simultaneous drinking of the bitter concoction by two members from the conflicting parties using straws symbolises that the two erstwhile conflicting parties have accepted the bitterness of their past and hence promise never to taste such bitterness again (Baines 2007: 98).

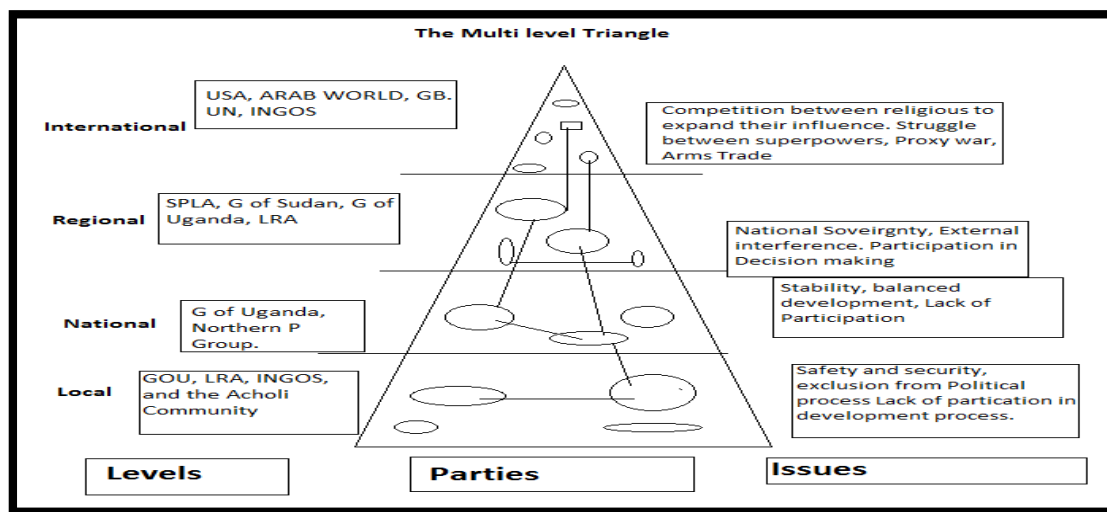


Figure 7.3 Multi-level triangle showing the parties involved and the issues at stake in the Gulu Conflict in Northern Uganda

The symbolic *mato oput* ritual ceremonies therefore, pursue justice through reconciliation of both victims and offenders. *Mato oput* is voluntary. It is premised on the local belief that crime is essentially a violation of relationships in society. It is predicated on full acceptance of one's responsibility for the committed crime (Latigo 2008:42). In its practice, redemption is possible but, only through voluntary confession of wrong doing and compensation through repaying life (Latigo 2008:42). The process seems to be rooted in the belief that 'the bitterness of revenge does not solve the problem' (Refugee Law Project 2004:45 cited in Atuhaire 2012:54).

As part of the 're-invented' *mato oput*, rehabilitation programmes such as the World Vision Children of War in Gulu have, since 1995, worked with more than 15, 000 formerly Abducted Persons (Laing 2016). It is interesting to note that the re-invented *mato oput* programmes have provoked new controversies, as most of the LRA victims, including those forcibly recruited pledge unconditional forgiveness of all perpetrators, save for Joseph Kony (Laing 2016). Kony and a handful of LRA rebels

numbering about 120 and around 100 captives are believed to be operating from the vast lawless frontiers bordering South Sudan, Democratic Republic of Congo and the Central African Republic (Laing 2016).



Map 7.1 Map of Uganda (World Atlas 2016)

The Juba Agreement on Implementation and Monitoring Mechanisms has been hailed as a milestone in this long-drawn bloody and complex conflict. The re-invented *mato oput* looks quite equal to the ‘redressing’ task, as it now incorporates additional rituals such as *gomo tong* (the bending of spears). This is the initial process whereby ‘former’ rebels have to walk on raw eggs, at the *Lawi* (paramount chief)’s court as a symbol of their welcome back into the community. The dialogue and symbolic rituals involved make the process look perfect. The current relative stability is, however, threatened by fear of a relapse of violence. In fact, the absence of overt violence, is not a guarantee for sustainable peace.

As testified by one survivor, ‘The silence of the guns in this region is not a symbol of peace prevailing’ (Advisory Consortium on Conflict Sensitivity 2013). It has also been noted with concern that, the massive government-initiated reconstruction, recovery, humanitarian and developmental projects in the conflict prone areas were ‘explicitly motivated by stabilisation, development, and poverty-reduction objectives, rather than justice and reparations goals’ (Carrington and Naughton 2012:1).

There are organic and structural obstacles besetting the implementation of the Juba Agreement. First and foremost, President Museveni, a former rebel leader who usurped power in 1986, as a reformist, has been accused of personalising all State institutions through family appointments in a country of 37 million people (Reuters 2016). Museveni, one of Africa’s longest serving leaders has remained in power

amidst alleged gross electoral malpractices. Furthermore, there is no clear programme on how the Museveni government can be convinced to accept any wrong doing.

Ware (2015) contends that an investigation into this protracted conflict will at least implicitly provoke questions as to why the national army was unable to prevent the LRA ravages, given that the Southerners have always treated their Northern counterparts with disdain.

Museveni's contemplation to pull out of the ICC's Rome Statute on the allegations of the court's impartiality (*New Zimbabwe* 2016) can be viewed as a scapegoat to camouflage his failure to bring reform and change.

Secondly, while the *mato oput* mechanism has assumed wide recognition in Uganda, the passage of time, coupled with cultural dynamism has almost relegated the practice obsolete. The youth in particular may find it absurd, while the multi-level conflict links (Figure 7.2) make its mapping so complex that it will be prudent to nationalize the processes. Romanticised traditional methods of reconciliation such as *mato oput* have also been criticised for, inter alia, not accounting for the traumatic wrongs of the past. Ware (2015) argues that, the *mato oput* rituals become meaningful and enduring if both the perpetrators and the survivors mutually participate under the guidance of respectful traditional leaders. Ware also warns against the problems associated with donor-funded projects in Africa, such as manipulation of the whole process.

Thirdly, notwithstanding Allen- the anthropologist-cum-historian's assertion that the Acholi people have a 'special gift to forgive,'- studies by the ICTR have shown that victims and traditional leaders have no common understanding on the issues of accountability, justice and reconciliation, with the former demanding mainly retributive justice. Equally outstanding is the problem of reintegrating child soldiers who had caused so much terror in the same communities (Rose cited in Atuhairwe 2012).

A fourth notable challenge articulated by Allen, the *mato oput* advocate, emanates from the structural incapacity of the *mato oput* rejuvenated mechanism. Originally the mechanism was designed to deal with small scale conflicts involving families or communities known to each other. But as noted on (Figure 7.2), the complex multi-level nature of the Gulu conflict makes it impossible to track strangers and 'force' them to perform the rehabilitation rituals. Moreover, the tension between the government and the traditional leadership forestalls mutual grassroots participation. In 1995 President Museveni restored traditional institutions abolished by President Obote in 1967; but through his 2010 Institution of Traditional or Cultural Leaders Act, traditional leaders remained figureheads. Under the new act, traditional leaders 'shall not have or exercise any administrative, legislative or executive powers of government or local government (Advisory Consortium on Conflict Sensitivity (ACCS) 2013).

The prevalence of unaddressed grievances, conflict drivers, and triggers further compromises the feasibility of the *mato oput*. These combine to form the complex latent and overt conflict realities in Uganda (ACCS 2013). Figure 7.4 illustrates the three distinct but complementary aspects of the relationship between unaddressed violence legacies, grievances, and conflict drivers, and how this synergy feeds the cycle from latent to overt conflict (ACCS 2013).

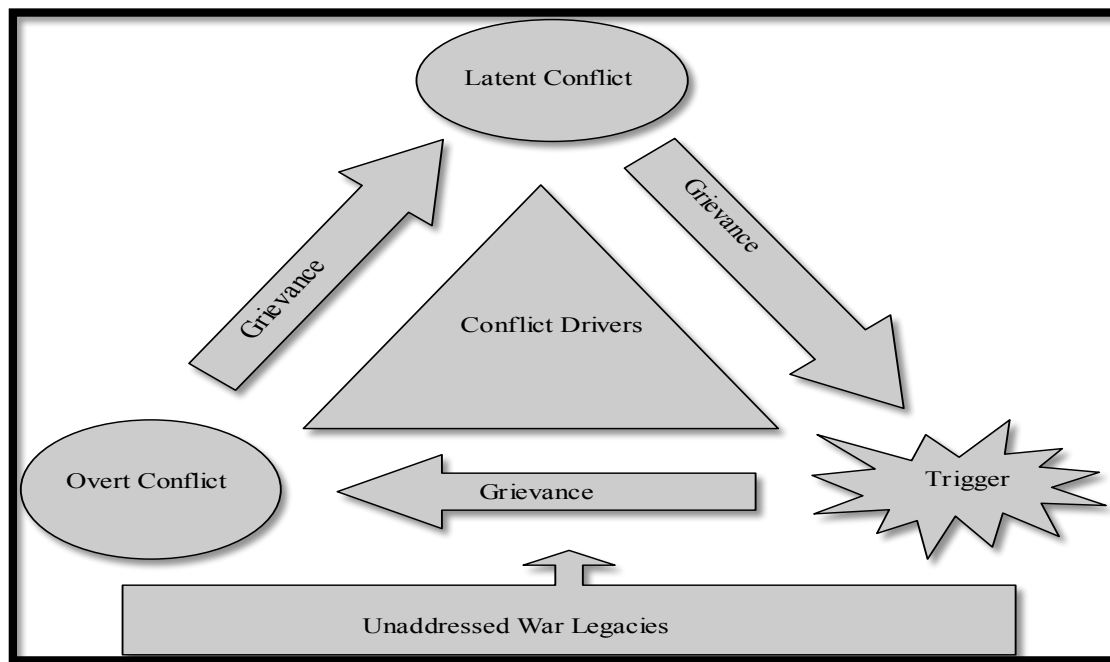


Figure 7.4 Conflict drivers and stages. Adapted from Advisory Consortium on Conflict Sensitivity (2013)

The situation on the ground in Northern Uganda shows that *mato oput* is a better alternative. However, the *mato oput* process alone may not cope with the protracted conflict. Moreover, both survivors and former rebels need clinical rehabilitating and reintegrating.

7.3.2 The *gacaca* traditional justice mechanism in Rwanda

The *Gacaca* Law of 2001 re-invented the *gacaca* courts in Rwanda to deal with the 1994 genocide. *Gacaca* is a community-based conflict transformation framework in Rwanda. Its re-invention was an alternative to the dysfunctional national legal system. It would have taken Rwanda up to 200 years to prosecute the genocide prisoners numbering more than 800 000, using a classic system of justice (Molenaar 2005:2 cited in Wielenga 2010:89). *Gacaca* is a local term for ‘justice on the grass’, so named after the place where communities traditionally met to resolve emerging disputes (Ingelaere 2008:34). These ad hoc courts were presided over by the *inyanga mugayo* (community elders) renowned for their exemplary quest for justice. It was therefore, a local community model which sought mutual

justice through restorative means. The outcomes were normally along symbolic restitution lines and the rehabilitation of the erstwhile perpetrator into the community (Wielenga 2010:90).

The voluntary *gacaca* justice framework is premised on dialogue, truth-recovery, acknowledgement and accountability of one's actions, demonstration of remorse, apology and requisition of forgiveness by the perpetrators (Mutisi 2009:19). The re-invention of the *gacaca* courts upon recommendations by researchers shows the potential of traditional justice in conflict transformation.

The reformed *gacaca* tribunals, numbering more than ten thousand have, however, encountered both opportunities and challenges. The tribunals give the genocide survivors a rare opportunity to seek truth and accountability. Truth-recovery offers a 'visible form of justice in which community members have a voice and opportunity to participate in solving their country's problems' (Mutisi 2009:21). This brings them out of silence and motivates the survivors to say *Nunca Más* (Never Again). Preventing the recurrence of conflicts is very critical in peacebuilding.

The *gacaca* courts' voluntary and inclusive participatory approach promotes broad consultation, consensus building and a sense of collective ownership. The public nature of the *gacaca* truth-telling sessions across Rwanda could establish broader patterns, identify deeper lessons and influence broader reforms at national level. Moreover, the modified *gacaca* courts provided a balance between restorative and retributive justice system principles (Ingelaere 2008:38). Even the United Nations' sanctioned International Criminal Tribunal for Rwanda (ICTR) 'inspired the widespread use in Rwanda of the traditional *gacaca* court system to deal with hundreds of thousands of lower-level perpetrators' (Kaye 2011: 121). The *gacaca* system cannot be a panacea for Rwanda and the potentially volatile Great Lakes Region but, it has performed far much better than both the ICTR and other mechanisms (Amnesty International 2002:43).

However, the *gacaca* courts faced operational challenges. In addition to funding challenges, the *gacaca* courts banked much on the political will of the State. It has remained a matter of conjecture, whether the Kagame regime will account for its own actions (Uwiringiyimana 2015).

The Hutu-Tutsi ethnic polarisation has remained salient. The *gacaca* courts have been perceived as a punitive and adversarial strategy bent on intimidating Kagame's opponents (Mutisi 2009:22). This ethnic dimension compromises the impartiality of the courts. Moreover, the truth-seeking phenomenon remains controversial. Alleged perpetrators may capitalise on the relativity and complexity of truth and claim victimhood as well. Survivors may also be disillusioned to see their imprisoned perpetrators as sole beneficiaries to the government. This makes the new *gacaca* system a form of unpopular participatory justice. In many respects, the new *gacaca* model has transformed from being primarily

restorative to a retributive one. Moreover, 'Attendance is now compulsory. Large crowds that attend are physically absent or unsupportive of the activities' (Ingelaere 2008: 43).

The new *gacaca* courts have also been criticised for their lack of gender sensitivity. The patriarchal nature of the Rwandese communities has perpetuated gender imbalances in the *gacaca* tribunals (Conley and O'Barr cited by Mutisi 2009: 24). Such glaring gender imbalances mean that women, invariably exposed to gender-based violence such as rape and sex slavery cannot easily hold their tormentors accountable. This gender imbalance compromises the reconciliation process as women and girls remain traumatised and stigmatised.

Notwithstanding these shortcomings, the new *gacaca* model has been credited, not only for providing a hybrid transitional justice alternative, but for accomplishing its mandate. Communities had the opportunity to tell what happened and establish the fate of most victims. In sum, the *gacaca* courts were part of the post-1994 hybrid approaches which capacitated Rwanda to make 'remarkable progress in rebuilding society, fostering peaceful relationships among citizens and shifting focus away from its dark past to a bright, promising future' (Never Again Rwanda 2016). Zimbabwe can learn from Rwanda's grappling with *gacaca* and take from it its best practices and learn from its flaws.

7.3.4 The Shona transitional justice and conflict transformation processes in Zimbabwe

The Shona ethnic group form about 80% of the Zimbabwean population. Pre-colonial Shona societies have invariably been hierarchical; ranging from the family, the basic unit of a community, to the paramount chiefs. As in the *mato oput* and *gacaca* systems, the primary goal of the Shona justice mechanisms is to restore social order through the integration of the offender(s). Community disputes emanating from cases such as straying cattle, land rights and witchcraft, among others were presided over by the Village head (*Sabhuku*). In situations where the Village head felt overwhelmed, the dispute would be referred to the Headman (*Sadunhu*) who, if equally overwhelmed by the gravity of the case (or if the offender felt unfairly treated) would refer it to the Paramount Chief (*Ishe/Mambo*). The Chief was the highest court of appeal. Paramount Chiefs presided over delicate and serious cases such as incest, adultery, murder and violation of sacred days (Chigwedere 1998). Traditional leaders 'were also religious figures' (Bourdillon 1993: 59). In principle, traditional leaders mediated between the living and the dead, hence they had to use their power and influence for the common good.

The verdict at all the hierarchy levels was determined by the societal values vis-à-vis the dignity and conduct of the accused. The courts are therefore mindful of the need to balance the interests of the offender and the community at large. The courts were primarily restorative. Notwithstanding the gravity of the offence, the accused was still considered an integral part of the entire community. Most

importantly, the offender was given an opportunity to accept the court judgement in such a way that does not diminish his/her dignity and self-esteem. In the case of a female offender, her parents were duly informed and obliged to attend or bless the prosecution (Mungazi 1996).

Interesting to note was the fact that while offenders voluntarily appeared before the *mato oput* and the *gacaca* courts in Uganda and Rwanda respectively, appearance among the Shona, was invariably by way of summons. Nevertheless, in all contexts, community elders acting as judicial arbiters adhered to the dictates of the unwritten constitution. They freely adjudicated in the best interests of the entire community. Judgments were by consensus and represented a compromise between collective and individual interests (Beach 1994). Sanctions were enforced through social pressure applied by all community members involved. Noteworthy is the fact that focus throughout the proceedings was restorative. This ensured checks and balances on the arbitrary powers of some unscrupulous traditional leaders.

Reparations in the form of material tokens are still part of the Shona traditional judiciary systems. The accused pays his/her admission of guilt fee called *madavira* in the form of a goat to be braaied during the court proceedings. If convicted, the offender had to pay a token fine such as cash, crop produce or livestock. Given the high value attached to cattle, only serious offences such as murder, adultery, incest and violation of core-values would attract such exorbitant fines. Such offences were invariably the prerogative of the Chief and his high court (Holleman 1952).

Cases involving murder did occur but were very rare. Africans in general and the Shona in particular dread the consequences of avenging spirits (*ngozi*) which haunt the offender and the entire family. Human life has always been highly valued and offenders were either banished from the community or heavily fined (Chavhunduka 1970). The restitution for avenging spirits was a significant number of cattle and a virgin girl child to appease the spirit of the murdered victim. *Ngozi* feuds were a public domain, hence the entire community was involved. The *ngozi* phenomenon is still a factor amongst the Shona. Its resolution brings relief to both parties involved and their respective communities. The occasions were punctuated with traditional beer and rituals to communicate with ancestral spirits. The appeasement of avenging spirits has always been controversial. The 'payment' of a virgin girl child to the offended family is meant to restore the lost life. The 'victimisation' of the girl has not been accounted for. I contend that being a 'wife of the spirits' can be a haunting experience. This has created new debates from affirmative action groups which view the practice as being retrogressive.

The Shona traditional justice mechanisms suited the British administrative system of 'indirect rule' which ruled Africans through their traditional institutions. In principle, the system of 'indirect rule' also

known as '*Lugardism*', after its architect, Sir Fredrick Lugard, empowered Africans to account for their own justice (Lugard 1922). Traditional justice also known as customary law was deemed cheap and mutually convenient to both the colonisers and the colonised. The colonial system even appointed and certified 'Warrant Chiefs' to preside over the customary legal system. In practice, the system of 'indirect rule' benefited the coloniser, but was convenient for both.

So convenient was the system of 'indirect rule' that even Smith's UDI regime (1965- 79) maximised the customary laws to further the interests of the white minority. In response, the African liberation movements, ZANU in particular, denounced chieftaincy and traditional leadership as appendages of colonial oppression. Despite their strong beliefs in traditional spirits (*masvikiro*), the ZANLA forces despised traditional leaders. They even assumed arbitration roles and invariably punished alleged offenders.

Consequent to this, traditional leaders had lost their mandate to represent the peasants (Bratton 1978). Even at independence, the Mugabe regime initially side-lined the traditional leadership and even created parallel structures from grassroots (ward) to provincial levels.

The fate of traditional leaders immediately after independence was aptly summed up by Summer, the Acting District Commissioner for Mutoko in December 1980:

Under the present situation, they (traditional leaders) don't feel free.... The party is now oppressing them...there are now so many 'officials' ...there are various committee chairmen all of whom are holding courts, distributing lands and giving orders.... They say when Rhodes came to this country, he found chiefs here and kept the system going. Now their own government ...is rejecting them... (cited in Krieger 1992: 233).

Even after the restoration of 'full' traditional leadership powers in 1998, the parallel antagonistic power structures have been sustained. This recognition has been confirmed in the Zimbabwe Constitution (2013: 110-112). Traditional leaders must be, inter alia, apolitical, uphold cultural values and resolve disputes within their jurisdiction (Zimbabwe Constitution 2013: 110). But, given the extent of political polarisation in Zimbabwe, the highly incentivised traditional leadership can be easily manipulated by the political elite. For instance, Paramount Chiefs have 'unanimously' endorsed Mugabe's 'life presidency' (*The Herald* 2010:1). The politicisation of traditional leaders leaves the burden of advocacy and peer review on the shoulders of civil society organisations. The onus is now upon civil society organisations to sensitise and convince the Government on the merits of consultation, inclusive participation and reflection on possible transitional justice mechanisms.

The three African traditional justice case studies explored show emphasis on restorative justice through truth recovery and accountability. The emphasis on forgiveness, through truth recovery, accountability

and reparations; point to a win-win outcome. Though not easily attained, consensus and prevention of recurrence were the desired goals.

7.4 Summary

Transitional justice mechanisms can be deployed separately or more effectively in combination. Applying them in a holistic and integrated approach is a realisation that truth-seeking without prosecutions, reparations, institutional reforms, gender equity and prevention is a dead end road. Sierra Leone has achieved relative peace after integrating criminal justice with a truth commission (Berewa 2008). Sierra Leone also provides an example for the success of the complementary roles of local and international judiciary systems. It was also noted that simply wishing the past away –as happened in Mozambique cannot guarantee enduring peace and justice. Local and traditional forms of justice, reconciliation and re-integration initiatives should be effectively harnessed to re-educate people about human dignity. Notable examples of traditional (African) justice mechanisms are the *gacaca* courts in Rwanda, *mato oput* in Uganda and pre-colonial Shona customary courts in Zimbabwe. All these examples are worth serious contemplation when mapping Zimbabwe's way forward. Learning from what has already been attempted can help Zimbabwe and other post-conflict countries like the Seychelles to decide the best transitional justice methodology or methodologies to adopt in order to achieve sustainable peace and justice.

Section III: Research Methodology

Chapter 8: Research Design and Methodology

Research...is a creative act; do not confine your thinking to specific approaches. Researchers creatively combine the elements of methods in any way that makes the best sense for the study they want to do. Their own limits are their own imagination and the necessity of presenting their findings convincingly. The research question to be answered really determines the method (Krathwohl 1998:27).

When no one is watching, it is the character of the investigator that determines the moral quality of research and if research integrity is problematic we must start and end with the investigator (Pellegrino no date cited in Singh 2011).

8.0 Introduction

This chapter focuses on the research design and methodologies used. The two quotations above guided me on the importance of adhering to best practices in research. This chapter describes the research paradigm, the research design, research methodology, research population, the sample size and sampling techniques, the data collection strategies, validity, reliability and ethical considerations. The chapter links the topic under study, objectives (and research questions), the literature review, the methodologies and the findings. The chapter describes and evaluates specific research techniques to determine which ones were more effective in linking the research design to the research questions and objectives. The chapter also proposes data presentation, analysis and interpretation strategies.

The term ‘research methodology’ has become vogue and synonymous with systematic problem solving. While Mouton (1996:35) describes methodology as the means or methods of doing something, in practice research methodology goes beyond research methods (strategies and procedures) to consider the logic (the philosophical underpinnings of a research study) behind the methods adopted in a research study that justifies the choice of particular methods (Kothari 2004). Research in general ‘is one of the many different ways of knowing or understanding’ (Mertens 2015:2). However, what makes research different from other knowledge seeking approaches is that ‘it is a process of systematic inquiry that is designed to collect, analyse, interpret, and use data’ (Mertens 2015:2). Therefore, research methodology refers to theories and principles that form the framework of methods and procedures used in any proposed research.

Research methodologies ‘provide both the strategies and grounding for the conduct of a study’ (O’Leary 2010:88). I am cognisant of the fact that there is no substitute for bulk data collection (Paradigm Research 2015:22). I used the mixed methods research design to explore transitional justice options for Zimbabwe. Data gathering and interventions were done between September 2015 and July 2016.

8.1 The nexus between the research objectives, the philosophical paradigm, the research design and the methodology

This research is guided by the transformative philosophical paradigm, which seeks to solve societal injustices through nonviolent action. The research aims to explore the transitional justice options suitable for independent Zimbabwe. It aims to recommend points of action based on transitional justice processes' best practices, vis-à-vis the Zimbabwean context. Creswell's research framework (Figure 8.2) shows that there is a mutual link between the research paradigms, designs and methods (2014:5). The research questions, from which the research objectives are derived, reinforce this nexus. The research questions/objectives determined the choice of the action-oriented transformative research paradigm, the mixed methods research design and the research methods. Having noted with concern that the politically motivated violence and impunity endemic in Zimbabwe was nurtured by unconditional amnesties, the research sought to explore alternative transitional justice options that can yield enduring outcomes.

It is imperative to restate the specific research questions and objectives because they drive the whole research (Tashkorri and Teddle 2009). 'Research questions are the vital first steps in any research. They guide you towards the kinds of information you need and the ways you should collect that information' (Lewis and Munn 1987: 5, cited in Menter *et al.* 2011:31). According to Menter *et al.* (2011:31), the formulation of research questions serves to:

- crystallise the focus of the investigation;
- set the parameters of the research;
- inform the design and the methods for gathering and analysing evidence, and,
- steer the whole course of the study.

Right from the start, a researcher must formulate clear research questions to answer the projected research problem. Menter *et al.* (2011:31) advise that, 'Research questions are informed not only by your main interest but also by factors that may impact on the feasibility or manageability of your research.' I formulated my research questions (and the matching objectives) based on Bloom's Taxonomy which ranks learning tasks from simple to complex (1956). Figure 8.1 shows research questions as the starting point and 'anchor' in research.

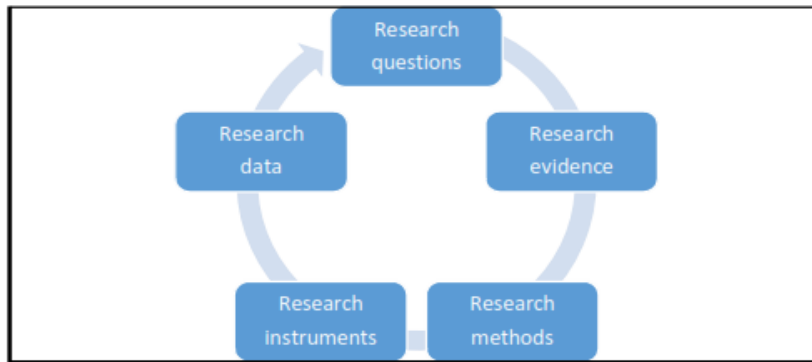


Figure 8.1 The importance of research questions in research. Adapted from Menter *et al.* (2011:32).

Research questions and objectives (Chapter 1) show the researcher’s deliberate attempt to go beyond the ‘*what*,’ ‘*why*’ and ‘*who*’ questions and address the more complex ‘*how*’ questions. As shown below, the ‘*what*,’ ‘*why*’ and ‘*who*’ questions address the cause and effect, while the ‘*how*’ questions aim to seek enduring solutions. The issue at stake is ‘how can we transform Zimbabwe?’ This research endeavoured to help ‘to move things forward and to make things better’ (Sharp 2012:22) by exploring possible options.

8.2 Research paradigm

A research paradigm is a way of viewing the world. A research paradigm is a philosophical assumption, a theoretical framework, and a methodological perspective in relation to research design and inquiry (Dillon *et al.* 2000). Though seemingly latent, philosophical ideas are critical because they ‘influence the practice of research’ (Slife and Williams 1995 cited in Creswell 2014:5-6). A research paradigm is, therefore, very important, as it addresses the purpose and informs the ‘philosophical assumptions that guide and direct thinking and action’ in any research (Mertens 2015:8). As shown in **Figure 8.2**, a research paradigm informs and guides the research design, and the specific research methodologies.

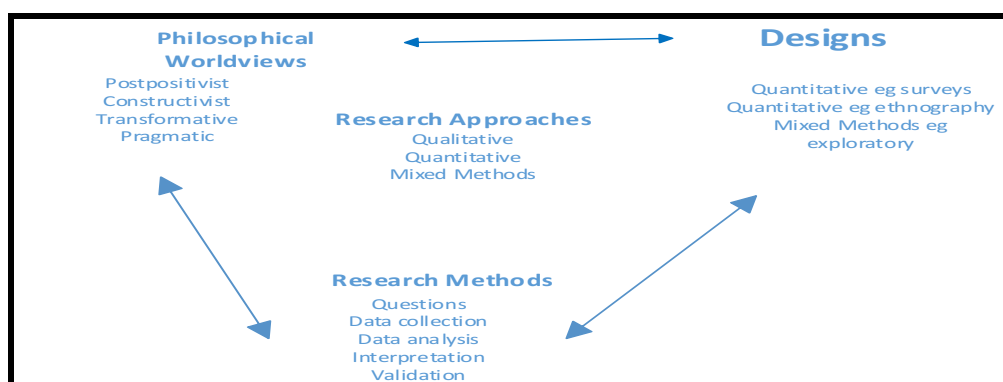


Figure 8.2 A Framework for Research – The interconnection of worldviews (paradigms), design and research methods. Adapted from Creswell 2014:5

This research was guided by the transformative philosophical paradigm, which gained momentum in the 1980s and 1990s. Its key advocates include Kemmis and McTaggart (1988) and Mertens (2010). They built on earlier works of anti-oppression icons, Marx and Freire (Creswell 2014:10), who in some instances proposed the use of violence as a means to the end. Contrarily, this research seeks rather to explore non-violent ways through which the underprivileged can participate in the creation of conditions necessary for the prevalence of social justice. The research advocates an action-oriented agenda premised on dialogue and nonviolence. Nonviolent action as advocated by Gandhi, Martin Luther King Jr. and Sharp should be an active transformational strategy. Ordinary citizens stand up and non-violently demand state accountability. ‘Nonviolent action is not an attempt to avoid or ignore conflict. It is *one* response to the problem of how to *act* effectively in politics, especially how to wield power effectively (Sharp 2015:18).

The transformation must take place at both local and national levels, in order to reflect ‘shifts in the lived values of individuals, organisations and institutions’ (Joy 2011:14). According to Hall (2006: 25 cited in Joy 2011:67), ‘Human values are the qualities that are evaluated high on the list of an individual’s priorities.’ Desired human values should embrace ‘equity, integration, actualisation, and service’ (Quaker Institute for the Future 2011). This research argues that the cases of violent movements are a manifestation of the concept that, ‘When people are voiceless, they will have temper tantrums like a child who has never been paid attention to. And riots are massive temper tantrums from neglected and voiceless people’ (King Jr cited in Murenje 2016:2).

Insightful engagement of ‘indigenous approaches and theories of complexity and emergence provides one avenue for pursuing integrated peacebuilding which connects more thoroughly and more genuinely with local culture and approaches’ (Brigg 2008:2). The starting point can be to overcome fear and intimidation. Courage, as noted by Mandela, is not the ‘absence of fear but the triumph over it.’ Conquering the fear is a critical phase in transformative processes. The current citizen-driven calls for justice and good governance in Zimbabwe confirm Yoder’s argument that ‘traumatic events and times have the potential to awaken the human spirit ...’ in search of the root causes of challenges bedevilling the society (2005: 6). Inclusive participation can transform violence prone communities into long-term human security friendly communities.

The involvement of participants in the designing of data collection strategies, analysis and data utility makes the paradigm participatory. Creswell (2014:10) calls transformative research, ‘a united voice for reform and change’ because it ‘provides a voice for those participants, raising their consciousness or

advancing an agenda for change to improve their lives.’ Therefore, transformative researchers consciously and explicitly side with the underprivileged in order to bring about social justice (Mertens 2015).

Sharp (2015) identifies three groups of nonviolent action, namely: protest and persuasion, non-cooperation, and nonviolent intervention. The first two groups of nonviolent action have been common in Zimbabwe. Common non-cooperation actions in Zimbabwe include: the brain drain, stay away, strikes, electoral boycotts and non-depositing of cash. Protests and persuasions are the most common. Figure 8.3 below illustrates the most common protest and persuasion actions in contemporary Zimbabwe.

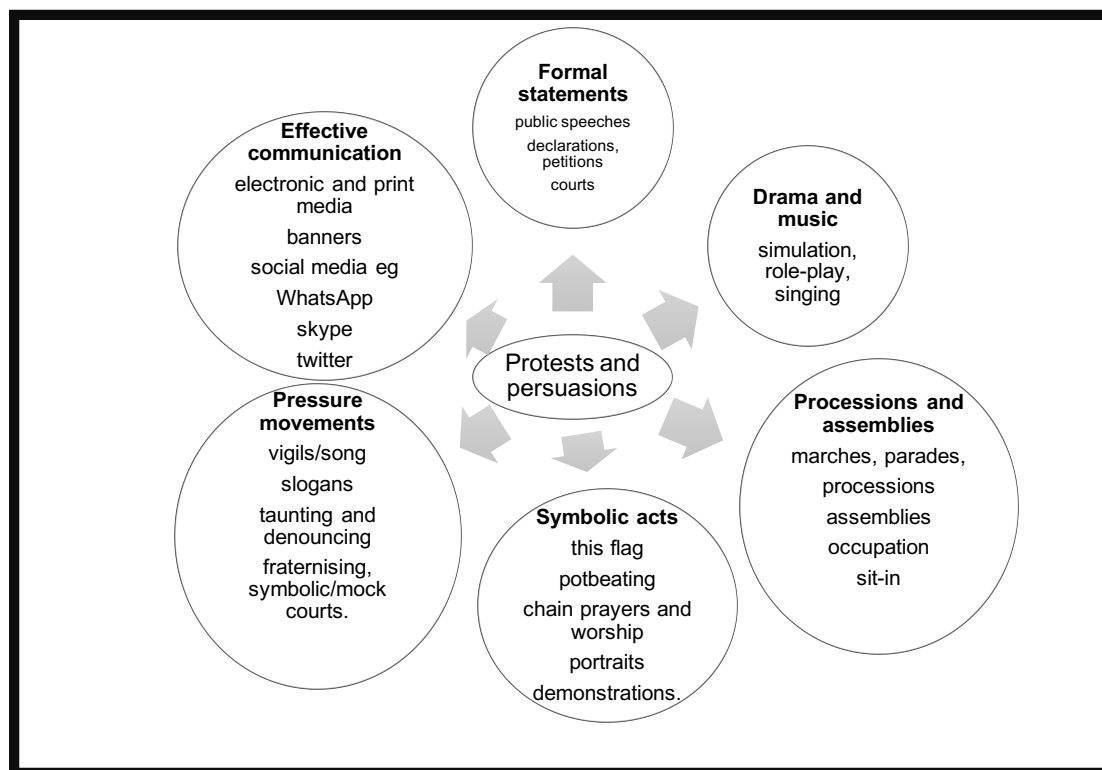


Figure 8.3 Nonviolent protests and persuasions in Zimbabwe

Therefore, the chosen paradigm does not seek to incite violence or insurrection but to ‘conscientise’ the traumatised participants into believing in themselves and realising that soft power is mightier than coercion. People-power rooted in the ‘local context’ is key in building sustainable peace (Lederach 1995). Interventions should therefore buy into the local vision and sustain it by keeping the ownership of processes in the hands of the local activists.

The transformative paradigm also collaborates with the chosen reconciliation framework by Lederach (1997) which explores ways of transcending from a culture of violence and impunity.

8.3 Research design

I used a mixed methods research design, which pairs quantitative and qualitative research techniques from start to finish. A research design is ‘a plan or blueprint of how you intend conducting research’ (Mouton 2001:55). Mouton graphically describes a research design in terms of a house designer who begins with an idea, which informs the drawing of the plan for the desired house. In principle, the eventual research outcome is therefore a direct product of the initial research design.

This guiding plan acts as the researcher’s roadmap by spelling out the basic strategies the researcher has to adopt, in order to gather evidence that is accurate and interpretable’ (Veroy 2010). A research design, therefore, determines the nature of the link between the research problem and the actual research processes (Van Wyk 2010). This means that for a research undertaking to effectively answer research questions and fulfil the research objectives, matters concerning the research participants and data collection and analysis instruments must be carefully selected (Van Wyk 2010). A research design, therefore, maximises the validity and reliability of the findings.

This research used a convergent mixed research design based on the use of both quantitative and qualitative methods. The convergent approach, as suggested by the term, collects and interprets quantitative and qualitative data separately, then converge the two, either by comparing or relating the findings as shown in Figure 8.4 (Creswell 2014:220).

The research explored how Zimbabwe can transcend from a culture of political violence and impunity to a culture of social justice. The convergent mixed research design informed this research’s mixed methods approaches, the research questions, the data collection instruments, analysis, interpretation and possible actions (Creswell 2014:288).

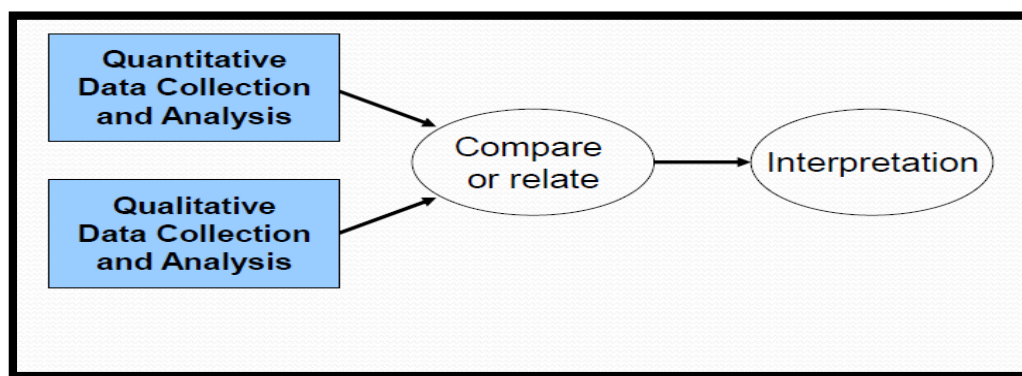


Figure 8.4 Convergent parallel mixed methods. Adapted from Creswell (2014:220)

The research explored possible transitional justice options for Zimbabwe through questionnaires, interviews, focus group discussions, document study and intervention. The convergent mixed approaches had a dual purpose of simultaneously collecting data and collaborating with the participants in coming up with the desired results (Babbie and Mouton 2001). As noted by Adler and Adler (2012:18 cited in Mertens 2015:235), the researcher-respondents rapport enabled me to note their perspectives and experiences. This dual purpose enabled me to ‘...rely as much as possible on the participants’ views of the situation being studied’ and, thus, help in transforming it (Creswell 2014:8-10). The approach enabled me to triangulate the data from the two seemingly divergent methods. A brief look at research methodology is imperative before the design is discussed in detail.

8.4 Research methodology

Research methodology is a strategy of enquiry, which moves from the underlying assumptions to research design, and data collection (Myers 2009:23). Methodology can also be viewed as ‘the theory of acquiring knowledge and the activity of considering, reflecting upon and justifying the best methods’ (Wellington *et al.* 2012:97). Research methodologies ought to provide both the foundation and strategies conducting research. As illustrated in Figure 8.5 below, a good research methodological design needs to address the demands of the research question, be within the researcher’s capacity and interest and be practical and doable (O’Leary 2010:88-100).

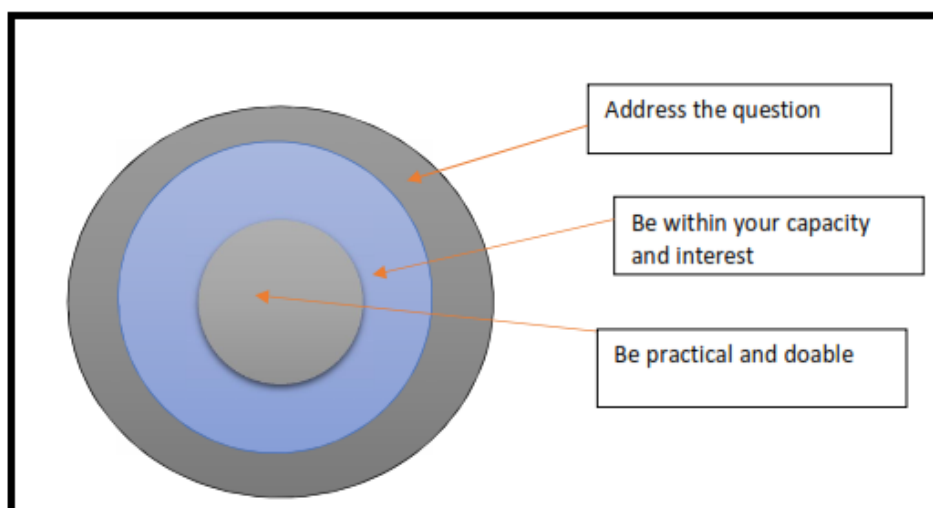


Figure 8.5 Getting a methodological design on target. Adapted from O’Leary (2010:92)

Research involving human beings is, however, complex. According to Griffiths (1998:35-36), ‘unlike the physical sciences, social science is always on/for/with other people – and getting knowledge on/for/with other people is a complex matter. It is complex for three main reasons: human agency; social relations, especially the effects of power and ethics.’ Davies (2006) also advises that research methodologies should not be rigid like religion or politics, but must be informed by targets and applicability. William George Plunkett (1910-1975) also warns that, ‘fixity of purpose calls for flexibility of method’ (cited in O’Leary 2010:101).

8.4.1 Quantitative research methods

Quantitative research methods generally involve collecting ‘hard’ data that can be subjected to statistical analysis (Creswell 2012). My intention was to collect both numerical and open-ended data. The questionnaire approach enabled respondents to participate independently and their responses were generalised (Leedy and Ormrod 2001). My questionnaire had closed and structured questions. The former sought objective answers on the causes, forms and effects of political violence in the chosen rural sample, using the yardstick determined by the researcher while the latter sought possible solutions to these problems.

8.4.2 Qualitative research methods

Premised mainly on in-depth exploratory research framework, the qualitative research methods enabled me to hear the participants’ opinions on how to deal with political violence in Zimbabwe. Qualitative methods enabled me to generate and analyse ‘speaking’ data. This enabled me to try and explore the complex transitional justice matrix in Zimbabwe. It was imperative to draw essential aspects of transitional justice from the experiences and perspectives of the diverse research participants. Therefore, interpretive research can be the generic term for qualitative research techniques (Gay *et al.* 2011). Key qualitative research methods used include case studies, ethnography, phenomenology and grounded theory (Patton 2002 cited in Currey *et al.* 2009). This research embraces the case study, phenomenological and grounded theory qualitative strategies.

8.4.2.1 Case study research

Case study research ‘involves an empirical investigation of a particular contemporary phenomenon within its real-life context using multiple sources of evidence (Robson 2002:178). Mertens (2015:245), concurs that ‘case study research is an investigative approach used to thoroughly describe complex phenomena, such as recent events, important issues or programmes, in ways to unearth new and deeper understandings of these phenomena.’ The inherent strength in case study methodologies is that documents may be available to ‘corroborate and augment evidence from other sources’ (Yin 2003:87).

This inherent strength makes the phenomenon under study more visible (Cohen *et al.* 2007:201). As noted with regards to the research population, Manicaland Province's history before and after independence makes it an ideal case study to explore transitional justice options for Zimbabwe. The sampled Mutare Central and Mutare South constituencies have the potential to produce new insights (on the nature and effects of politically motivated violence and possible solutions) which can be generalised to the entire country (Curry *et al.* 2009). The availability of diverse data sources such as interviews and documentary/monumental records enhances the quality of the case study approach (Tedlock 2003 cited in Curry *et al.* 2009).

8.4.2.2 Phenomenological research

Phenomenology is a research strategy which 'seeks to describe how individuals experience a specific phenomenon' (Curry *et al.* (2009). It prioritises the inquiry of and individual's experience in the studied phenomenon (Wertz 2005 cited in Mertens 2015:247). In this study, politically motivated violence in Zimbabwe is the phenomenon under study. The goal is to understand and explain the politically motivated violence from the point of view of the research participants (Mertens 2015).

8.4.2.3 Grounded theory

Developed and popularised by Glaser and Strauss (1967), grounded theory is 'an approach in which data are simultaneously collected and analysed in search of emergent themes that guide future data collection and culminates in the development of a theory grounded in the analysed data' (Mertens 2015:248). It is both a research technique and a research product in that the 'emergent theory is grounded in the current data collection and analysis efforts' (Mertens 2015:248). It is also called the constant comparative method because the emerging pattern is always tested against the systematically gathered data (Charmaz 2006). The theory helped me to shoot two birds using one stone: simultaneous data gathering and analysis. By making use of the participants' viewpoints on the causes and effects of Zimbabwe's endemic political violence, I was able to suggest possible solutions.

8.4.3 Quantitative, qualitative or both?

Posinasetti (2014) describes quantitative research as an inquiry approach which describes trends and explains the relationship among the variables while qualitative research primarily investigates human relationships, situations and activities. As illustrated in Figure 8.4, separate quantitative and qualitative data gathering complements and corroborates the findings.

I noted that the diversity between the two methods can be utilised when the two diverge and eventually converge in a mixed methods research. The inductive and deductive nature of qualitative and

quantitative research respectively was a merit in this study. The deductive (starting with assumptions) nature of quantitative research was complemented by the inductive (starting with observations) nature of qualitative research (Curry *et al.* 2009). There was a need to gather data on causes and effects of political violence in terms of prevalence, frequency, magnitude and incidence, mainly from the survivors/victims through quantitative methods and to explore possible solutions through qualitative methods. This inherent complementarity motivated me to embrace a mixed methods approach.

8.4.4 Mixed methods research

The projected research topic – *Exploring transitional justice options for Zimbabwe*, guided me to choose a mixed methods’ approach. Mixed methods’ approach is the latest alternative research trend which combines qualitative and quantitative research methods, in order to provide ‘a better understanding of research problems than either approach alone’ (Creswell and Clark 2007:5). Mixed methods’ research is also known as the third methodological paradigm, with the quantitative and qualitative methods as first and second paradigms respectively (Teddle and Tashakkori 2009 cited in Venkatesh *et al.* 2013: 22).

This research used an exploratory mixed methods research design, which gives more emphasis to qualitative methods. This model in which qualitative data are more heavily weighted than quantitative data is called a ‘QUAL-quan Model’ (Gay *et al.* 2011:484). Recognising the complementary role of quantitative and qualitative methods and adhering to the methodological assumptions of each strategy enhances the validity and reliability of mixed methods studies (Morse *et al.* 2006 cited in Curry *et al.* 2009).

Dornyei (2007:42) identifies five synonyms for mixed methods’ research as multitrait-multimethod research, interrelating qualitative and quantitative data, methodological triangulation, multi-methodological research and mixed model studies. The term mixed methods research was arguably popularised by Tashakkori and Teddlie’s *Handbook of Mixed Methods Research in Social and Behavioural Research* (2003). Tashakkori and Creswell (2007:4 cited in Mertens 2015:304) define the mixed methods as ‘research in which the investigator collects and analyses data, integrates the findings, and draws inferences using both qualitative and quantitative approaches or methods in a single study or program of inquiry.’

Mixed methods approaches are preferred because they:

Allow for the use of both inductive and deductive reasoning; build a broader picture by adding depth and insights to ‘numbers’ through inclusion of dialogue, narratives, and pictures; add precision to ‘words’ through inclusion of numbers tallying, and statistics (which can make results more generalizable); allow you to develop research protocols in stages; offer more than one way

of looking at a situation; facilitate capturing varied perspectives; and allow for triangulation (O’Leary (2010:127-128).

The mixed methods’ approach is therefore inclusive, pluralistic and complementary. This permits the researcher to use diversified approaches to method selection and the thinking about and conduct of research (Johnson, and Onwuegbuzie, 2004). Figure 8.6 illustrates the seven steps to be taken when conducting a mixed methods study (Creswell 2012). Curry *et al.* (2009) advises that, the two seemingly divergent components can be employed concurrently or sequentially, and more emphasis may be given to either method or both. It is the complementary strength of the mixed methods research that have popularised them.

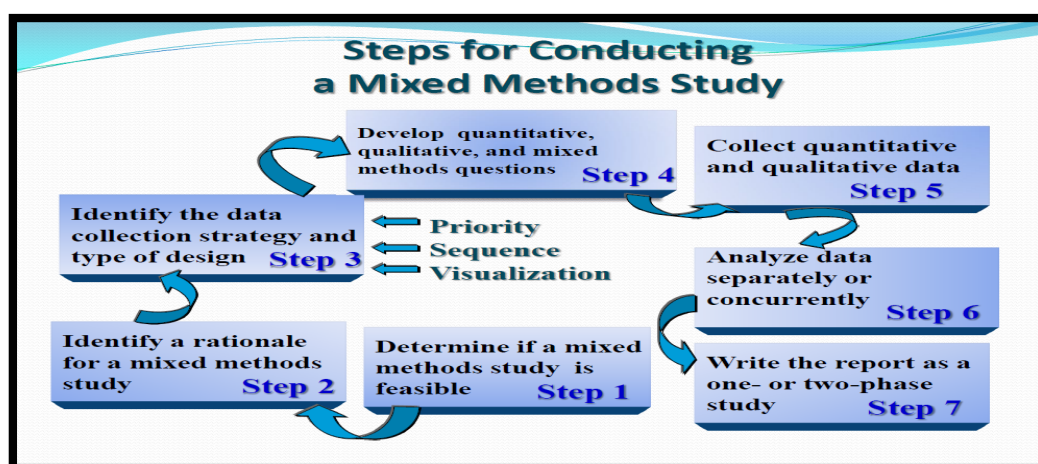


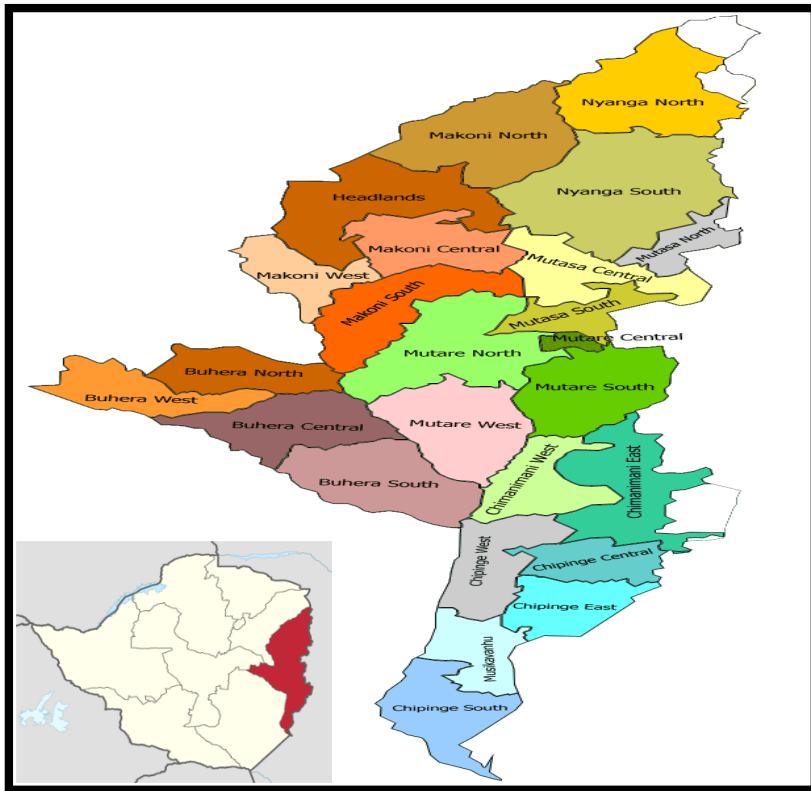
Figure 8.6 Steps for conducting a Mixed Methods Study (Creswell 2012)

I employed a questionnaire, interview and observation techniques on one sample, but for different purposes. The use of multiple data generating techniques was motivated by the desire to achieve a better picture of the problem studied. The questionnaire was deployed to solicit information on the causes, effects and possible solutions. The face-to-face interviews sought the same information, (on the same sample) but purposefully targeted traditional leaders, victims/survivors and alleged perpetrators. The observation technique was motivated by the questionnaire and interview sessions. The visibly tense and ominously uneasy relations, especially that witnessed between the survivors/victims and the alleged perpetrators informed me that the community is divided and polarised along political lines. This observation and the intrinsic fear that my activities in the community could have touched raw nerves, commanded my conscience to re-engage the community in a dialogue intervention workshop. The intervention process which led me into action research by default afforded me the opportunity to apply both the transformative paradigm and the conflict transformation theoretical framework.

8.5 Research population

The population of this research comprised all people in Mutare (urban) Central and Mutare (rural) South in Manicaland Province, Zimbabwe (Map 8.1). The research population is the larger group from which individuals are selected to participate in a study (Jacobs 2010). The research findings will be generalised to the study population. Generalising the research findings is the act of applying the outcome to the entire research population. This population has to ‘conform to a set of specifications’ (Polit and Hungler 1999:37) or have one or more characteristics that are of interest to the research (Cohen *et al.* 2006). Put simply, the study population is the group of people from whom the researcher wants to draw conclusions (Babbie 2013:115). Mutare Central and South have a population of 187,621 and 30, 591 respectively (Zimbabwe National Statistics Agency 2012:9-13). The research population had 218, 212 people. Both samples (Mutare Central (urban) and Mutare South (rural) are part of Mutare District, which also include Mutare West (rural) and Mutare North (rural). The entire (Mutare) district has a total population of 449, 745. This census of the target population is necessary in ensuring sampling validity, that is, ‘the degree to which a test samples the total area of interest’ (Gay *et al.* 2011: 631).

The choice of Mutare Central and Mutare South (Figure 8.8) was purposive and deliberate. Manicaland is a predominantly rural province with a unique political history before and after independence. During the struggle for majority rule, the province was at the centre of the storm; it had to endure the wrath of both the ZANLA guerrillas and the Rhodesian Front counter-insurgency. Manicaland Province has remained prone to political violence as opposition parties emerge mainly from this province to challenge ZANU-PF’s monopoly of power and misrule. Based on the amount of documented state-sponsored violence in the history of Zimbabwe (CCJP 2009; Sachikonye 2011; Kaulemu 2011; Mukonori 2012), the forms of politically motivated violence in the case study can be generalised to the entire population.

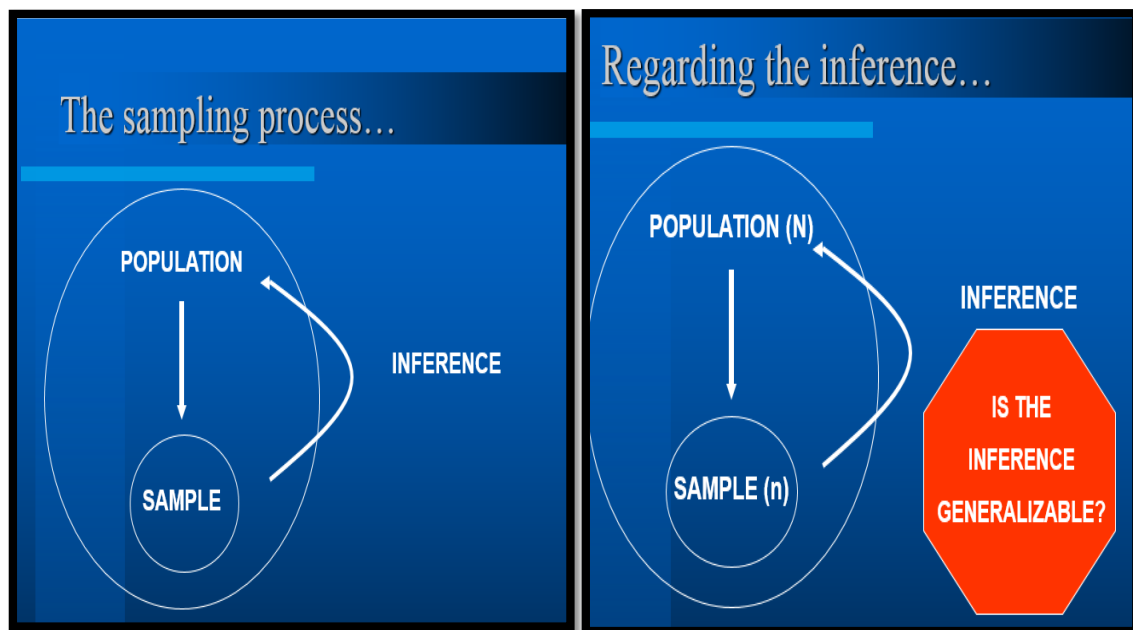


Map 8.1 Manicaland Province: political constituencies

8.6 Research sample

Sampling is the process of selecting research participants from a larger population (Adler and Clark 2011:100). A research sample is, therefore a smaller group of ‘representatives selected for a study whose characteristics exemplify the larger group from which they were selected’ (Jacobs 2010). Sampling is a prerequisite because it is not necessary, even if possible, to collect data from the entire target population (Babbie 2013). Sampling is, therefore, a means to an ends, as it allows the study of a chosen phenomenon from the entire targeted population without involving everyone (Adler and Clark 2011).

The research questions and objectives determine ‘who’ and ‘how’ many people to select. Therefore, findings from a systematically selected representative sample can be regarded as sufficiently valid and reliable to be safely generalised to the target population. The population–sample ratio depends on the sample representation which in turn determines the inference generalisation (See Figures 8.7 and 8.8 below).



Figures 8.7 (a) and (b) Population-sample ratio and the inference of population-sample ratio (Jacobs 2010)

8.7 Sampling procedure

Sampling rationalises the data collection processes. This mixed methods' research used both quantitative and qualitative sampling strategies in order to answer the research questions.

8.7.1 Quantitative (probability) sampling techniques

Probability sampling gives every person in the targeted population an equal and independent chance to be selected (Magwa and Magwa 2015). The goal was to obtain a sample representative of the target population. I used simple stratified, simple random, systematic and cluster probability-sampling techniques (Chawla and Sondhi 2011).

8.7.1.1 Stratified sampling

Stratified sampling 'involves dividing the population into groups or strata defined by the presence of certain characteristics' from each stratum (Adler and Clark 2011:120). This technique guided me to purposively divide the study population into (Mutare) urban and rural informants. The assumption was that each stratum has different experiences and perceptions about Zimbabwe's endemic political violence. Within these two strata, I strategically selected participants from each subgroup.

8.7.1.2 Simple random and systematic sampling

Simple random sampling was used to establish the rural population's feelings and knowledge about the nature, effects and possible solutions to the politically motivated violence. The technique assumed that every member in Mutare Central and South constituencies got an equal chance to participate in the research. Random sampling is 'the key component of probability sampling' because 'random samples are almost always more representative than non-random samples because they are based entirely on probability and chance' (Dornyei 2007:97).

Simple random sampling also controlled sampling bias since every person in Mutare Central and South constituencies had an equal and independent chance of being sampled. However, the 40 out of possible 50 participants who completed the questionnaires were either randomly or systematically selected. I used my peacebuilding skills to reach the respondents. I engaged a local school teacher as my research assistant. He assisted in the distribution of questionnaires and the familiarisation with the local customs. He also introduced me to the traditional leadership.

8.7.1.3 Cluster sampling

The cluster sampling technique was used to divide the targeted study population into heterogeneous subgroups, each sharing similar characteristics. The subgroups (clusters) are natural elements of the population such as organizations or institutions (Ornstein 2013). This cluster sampling approach was used to select intact clusters ranging from political/traditional leadership, peacebuilding-related organisations as well as perceived perpetrators and survivors. The elements of convenience and purposive sampling were also evident in cluster sampling.

8.7.2 Qualitative (non-probability) sampling techniques

This research also used non-probability qualitative sampling techniques. Unlike probability samples, non-probability (non-random) samples are less likely to represent the entire population (Jacobs 2010). Nevertheless, they are more appropriate for the qualitative component of this exploratory research. Non-probability qualitative strategies try to achieve 'a trade-off, that is, a reasonably representative sample using resources that are within the means of the ordinary researcher' (Dornyei 2007:97).

In addition to the traditional leadership cluster noted above, probability and non-probability sampling techniques guided me to come up with the samples shown in Table 8.1 below. The Table shows that only five victims and four alleged perpetrators were purposively sampled in the study. The small numbers were determined by the qualitative nature of the research design used to get information from

them, as well as the sensitive nature of the question. The small sample enabled me to closely analyse their testimonies.

The clusters sampled were many but the participants ranged from 1-15 in each cluster. The large number of clusters sampled enabled me to reflect on the major elements of variables in the population (Teddlie and Tashakkori 2009:319). I used purposive, convenience, snowballing and networking sampling techniques.

Category of participants (clusters)	Male	Female	Totals	Data gathering technique
Local Government Authority	2	0	2	Interviews and consultation
Politicians (ruling party and opposition)	2	1	3	Interviews
National Association of Non-Governmental Organizations	2	1	3	Interviews
Centre for Peace Initiatives in Africa	0	3	3	Interviews and document study
Catholic Commission for Justice and Peace	1	2	3	Interviews and document study
Zimbabwe Lawyers for Human Rights	2	1	3	Interviews and document study
Zimbabwe Council of Churches	2	1	3	Interviews and document study
Zimbabwe Peace Project	2	0	2	Interviews and document study
Peacebuilding and Capacity Development Foundation	1	1	2	Interviews
Legal Resources Foundation)	0	3	3	Interviews
Institute of Peace and Governance/Africa University Staff	4	1	5	Interviews and document study
Catholic University of Zimbabwe	7	5	12	Focus Group Discussions
Solusi University	6	4	10	Focus Group Discussions
Mutare Teachers' College Students	8	7	15	Focus Group Discussions
Grace to Heal	2	1	3	Interviews and consultation
Heal Zimbabwe Trust	2	0	2	Interviews and document study
National Transitional Justice Working Group	1	0	1	Interviews and document study
Traditional leaders	3	0	3	Interviews and document study
Survivors/victims)	3	2	5	Interviews
Alleged perpetrators	3	1	4	Interviews
Questionnaire respondents	24	16	40	questionnaires
Mutare Teachers' College Staff	4	1	5	Interviews and peer review
TOTALS	81	51	132	

Table 8.1 Research participants and instruments used

8.7.2.1 Purposive sampling

Purposive sampling is the most common qualitative sampling strategy. My purposive sample was guided by known characteristics or competencies of the participants (Tashakkori and Teddlie 2003). This enabled me to target respondents with attributes related to peacebuilding. According to (Babbie 2013:128), purposive sampling is also called judgmental sampling because informants are deliberately

selected on the basis of knowledge and specific qualities desired by the researcher. In sum, the participants interviewed were selected on the assumption that they would provide relevant data (Oliver 2010). I started using purposive sampling in pre-testing my mixed methods research instruments. The choice of purposive sampling was also guided by the research topic, questions and objectives. The politically sensitive nature of my research topic compelled me to heed Lewis and Sheppard's caution to seek participants' consent first (2006).

8.7.2.2 Convenience sampling

A convenience sample, also known as 'available-subjects' or 'opportunity sample' is a group of people that are readily accessible to, and therefore convenient, for the researcher (Dornyei 2007:98). A convenience sample is drawn on the basis of geographical proximity, availability and willingness to participate (Dornyei 2007:98). Participants readily available and accessible for this study's focus group discussions were my students of History at The Catholic University of Zimbabwe, Solusi University, and Mutare Teachers' College. This 'captive' or 'accidental' audience formed the core of my focus group discussions. Some participants in both questionnaires and face-to-face interviews were also selected depending on availability and accessibility. Convenience sampling is also gender-sensitive; I was able to make sure that both men and women were fairly considered. However, I was cognisant of the fact that while it was convenient to access focus group participants, the outcome cannot be generalised since the entire population does not have an equal chance of being part of the convenient samples.

8.7.2.3 Snowballing and networking sampling

Snowball and networking sampling is another nonprobability sampling technique that I used. The term is derived from the cumulative effect of snow in motion (Magwa and Magwa 2015:69). The networking and 'chain reaction' enabled me to reach 'hidden' informants (Dornyei 2007). It is also called 'referral sampling' because through snowballing, some members of the target population identify more influential members (Adler and Clark 2011). Through snowballing and networking, I was referred to other key interviewees initially not sampled. Such participants included the traditional leadership, alleged perpetrators and survivors, as well as experts in peacebuilding studies.

8.8 Quantitative and qualitative data generation instruments

Data is the raw information collected from both primary and secondary sources. My data gathering instruments were guided by the geo-political settlement as well as the composition of the study population. Careful selection of data collection and analysis instruments is imperative in order to

provide satisfactory answers to research questions (Babbie 2013). In fact, ‘data quality impacts the quality of conflict assessments, which in turn impacts the quality of the effectiveness of peacebuilding efforts’ (Schirch 2013:40). Apart from the pilot testing data instrument, the rest were either quantitative (structured questionnaires) or qualitative (interviews, focus group discussions and document study). Myers, (2009) encourages the multi-instrument approach in order to triangulate the findings, thereby enhancing validity and reliability. Participants in this research’s questionnaires and interviews are referred to as sources, respondents or informants.

8.8.1 Pilot testing

Pilot or pre-testing are initial research techniques and activities used to gauge the feasibility of both the research samples and data collection instruments (Caspar *et al.* 2011:23). Piloting a questionnaire is necessary to ensure the psychometric quality of the study (Sudman and Bradburn 1983 cited in Dornyei 2007:75). Piloting is indeed an indispensable part of the research with an incremental value addition (Ornstein 2013). I piloted the questionnaire and the interview and focus group discussion questions. I either personally administered or emailed the pilot tests. The motive was to simulate and rehearse the actual data collection processes (Connolly 2016).

Through pre-testing, I was able to make the necessary adjustments on both the population and samples as well as data collection instruments. The pilot input was duly implemented; modifications were made to the wording/language and structuring of both the questionnaires and interview questions. This rehearsal stage informed the need to engage a research assistant in the rural sample.

Therefore, pre-testing was a quality assurance measure because issues of feasibility were noted and corrected. Piloting also forewarned me about challenges and opportunities faced in the administration of questionnaires such as non-response and the sample sizes. A subtle advantage of the pilot survey was that it created a discernible gap between the finalisation of the questionnaire and the actual data collection process.

8.8.2. Quantitative data gathering instrument: Structured questionnaire

A questionnaire approach was used to do a survey (Adler and Clark (2011:212) define research that employs both closed questions and structured interviews as a survey) on transitional justice options for Zimbabwe. A questionnaire is a data collection instrument with questions and statements that are designed to solicit information from respondents in Mutare (South) Rural (Adler and Clark 2011:212). Quantitative sampling techniques discussed in 8.7.1 were used. Participants responded to structured and closed and open-ended questions in writing (Appendix 1).

The questionnaire sought public opinion on the forms/nature, causes, effects of politically motivated violence and measures being taken to mitigate it. The questionnaire was designed to seek answers from literate participants. The questionnaire instrument allowed participants to respond freely about the politically motivated violence in Zimbabwe and the possible solutions. As shown in the questionnaire draft attached, questions 1-10 were predetermined by the researcher to restrict participants to provide the categorical data required and 11-13 were meant to critically reflect on high order open-ended questions.

The questionnaire research generated large amounts of data in a relatively short period. This was appropriate for this politically sensitive study; the respondents' confidentiality and anonymity was guaranteed. I assured them that their responses would simply be classified as data. The questionnaire method was used simultaneously with face-to-face interviews on the sample. Participants in the latter (traditional leaders, victims and survivors) were purposively selected. My direct involvement in the administration of the questionnaires enhanced convenience and respondents' objectivity. Of the 50 questionnaires deployed, 40 (80%) were recovered.

8.8.3 Qualitative data gathering instruments

Six qualitative data gathering instruments were used. These are: structured interviews, focus group discussions, document study, e-mail, WhatsApp and observations. Mertens (2015) regards the researcher as a qualitative research instrument because he/she personally generates data by interviewing, examining documents/records/artefacts and observing phenomena in the research setting. The observation method was employed as an afterthought, when the researcher was forced by the research circumstances to devise an interventionist strategy to help victims of politically motivated violence to let go their victimhood.

8.8.3.1 Structured interviews

I like to listen. I have learnt a great deal from listening carefully. Most people never listen (Ernest Hemingway cited in O'Leary 2010: 194).

When you talk, you are only repeating what you already know. But if you listen, you may learn something new (Lama 2002:2).

In-depth structured interviews are a purposeful and interactive method of data collection (Appendix 2). They offer 'sufficient flexibility to formally approach different respondents while still covering the same areas of data collection' (Dhingra and Dhingra 2012:35). They allow for formal exploration of individual or group experiences and perspectives in great detail (Patton 2002 cited in Curry *et al.* 2009). Like in the questionnaire survey, the interviewing processes require exquisite planning and preparation

skills. I had a specified set of questions to solicit the same data from selected respondents. Interviews afforded me the prime opportunity to directly interact, 'mine' and record data from primary sources. The formal structure of the interview guides enabled me to seek open-ended answers on the causes, effects and possible solutions to political violence in Zimbabwe. Open-ended interviews were preferred because they allowed informants to be heard as they made 'free responses' (Taylor *et al.* 2006:77). This brings in the aspect of 'the voice' and 'message' which is very critical in data collection and processing. Face-to-face interviews enabled me to ask key research questions to a wide range of diverse participants in terms of societal status, gender, class, education, age and even political and religious affiliation (Schirch 2013: 54).

Both questioning and listening skills were very critical in the interviewing processes. As advised by Gay *et al.* (2011:387), I listened more; talked less in order to allow the responses to come naturally. As noted above, listening is a skill, which comes through training because 'most people never listen.' To minimise this deficiency, O'Leary (2010: 194) advises that it is the voice of the respondent that should dominate, as the researcher only facilitates the interviewing process and listens attentively. Therefore, to accurately capture and record what the informant is saying, there is a need to listen closely and wholeheartedly. I was wary not to let the interview degenerate into a dialogue; I only probed where necessary. As shown on the attached interview guide, all the questions were open-ended. This enabled me to seek respondents' perspectives on Zimbabwe's transitional justice options. Given the sensitive nature of the topic, I simply took notes.

The face-to-face interview processes enabled me to unlock new horizons and experiences. As advised by Strauss and Corbin (1990), I asked carefully prepared open-ended (structured) questions drawn from the research questions and listened to (and observed) responses. Open-ended questions allowed informants to answer in their own words (Adler and Clark (2011:236). In fact, after the preliminary formalities, I allowed interviews to run naturally. This allowed me a rare opportunity to get even politically sensitive information directly from informants. While questionnaires gave wide responses, interviews gave in-depth answers based on their experiences. Their body language and voice also enabled me to read respondents' inner feelings. These face-to-face interviews enhanced inferences since the voice and the body language have a co-relation on the message and the subject under discussion.

My fieldwork experiences confirmed Vansina's argument that oral testimonies are the fountainhead of all historical information. Interviews give informants the voice, and through their gestures, they exude their feelings and sentiments (1961). This helped the researcher to make informed judgements about the informants' experiences and expectations. Suffice to say data collection makes a big difference.

I learnt a number of lessons from the interviews. Normally, would-be informants do not just volunteer information; they only speak when interrogated and the researcher must be wary of a number of possible flaws. Interviewing is a two-way process between the interviewer and the interviewee. Therefore, a great deal depends on the rapport the two partners; as both can combine knowingly or unknowingly to influence the outcome. The interviewer can impose a version which then becomes the collective account by eclipsing others, while informants can also edit and structure their content according to the dominant interests of the community. Some respondents may even deliberately tell the researcher what they think he/she wants to hear. Some respondents even expected prizes as a token of appreciation. Interaction with informants enhances objectivity and comprehension but this can overwhelm the informant and refrain him/her from giving real experiences or feelings.

It is noteworthy that getting permission to carry out the research in the sampled population, and the rural sample in particular was so bureaucratic. I had to be very patient and flexible. The government administrative organogram, from the Local Government Authority to the traditional leadership were very sceptical about my research motives. The Chief was my first port of call. I had to positively identify myself and at length, explain my research topic, questions, objectives and data gathering instruments. In the village, I replaced the terms ‘victims’ and ‘perpetrators’ with ‘people affected by political violence.’ I won the confidence of the traditional leaders by initially probing and investigating the roles of traditional leaders before and after independence. All, except one respondent declined both visual and audio tape recording.

To the perceived victims and perpetrators, I initially investigated the general injustices endured by the community before and after independence. One common feature amongst the rural participants was that they all expected a token of appreciation; some even demanded it. The rural fieldwork taught me to be careful when defining both victims and perpetrators. Given the legacy of unaddressed injustices in Zimbabwe, before and after independence, even perpetrators of political violence in independent Zimbabwe had countless harrowing experiences suffered at the hands of the colonial regime. This research focuses however on the post-colonial political violence and uses the United Nations definition of 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. Where appropriate, and in accordance with domestic law, the term ‘victim’ also includes the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist in distress or to prevent victimisation (cited in Carrington and Naughton 2012:5).

Save for one University lecturer of History who professed ‘ignorance’ on all ‘politically sensitive’ questions asked, most of the purposively sampled participants gave me their audience. I promised to share the research findings.

8.8.3.2 Focus group discussions

Focus group discussions were also employed in this study. A focus group discussion can be described as a group interview where data on shared understanding from several individuals and specific individuals is simultaneously collected (Creswell 2014:205). ‘A focus group is a carefully planned series of discussions designed to obtain perceptions on a defined area of interest in a non-threatening environment’ (Steiberg 2011). Focus group discussions are small structured groups with six to ten chosen participants, usually under a moderator or facilitator (Litosseliti 2003:1). Instead of using the strict question-answer approach, I assumed the role of the facilitator, in order to guide the discussion. The goal was to use the strength of discussions, to draw deep opinions and insights from participants (O’Leary 2010:196) on the political violence in Zimbabwe and the possible solutions.

For the purposes of comparison, three groups were used. The three groups comprised students of History with The Catholic University of Zimbabwe, Solusi University and students of National and Strategic Studies at Mutare Teachers’ College. The three groups shared something central to the research question (Appendix 2) – all the participants were students of history. Each group freely shared experiences because all members were familiar to each other.

The diverse backgrounds of the participants informed the choice of these focus groups. The group interaction aspect served as an incentive to encourage participants to share their experiences and perspectives about political violence in Zimbabwe. It was convenient to use this ‘captive audience’ because I had a professional link with the institutions. All the three academic institutions have campuses in Mutare Central. The focus group discussions were conducted during the August/September 2015 block release class sessions in Mutare. I assured participants that they were entitled to freely express their feelings and experiences and that the outcomes would be treated as data. Each Focus group discussion lasted between one and one and a half hours. The three focus groups discussed the same questions used in the face-to-face interviews.

My focus groups were special in terms of the expressed purpose, composition, and procedure. Participants ‘diverse backgrounds enabled me to trace the similarities and differences of their responses. Krueger (1994 cited in Litosseliti 2003:1), describes such a group as ‘carefully planned discussion designed to obtain perceptions on a defined area of interest in a permissive, non-threatening environment.’ Kitzinger (1994), Gibbs (1997) and Catterall and Maclaren (1997) concur that the

strength of focus group research lies in their collective interactive activities (cited in Litosseliti 2003:2). Focus groups can be viewed as refined and advanced group interviews. Their uniqueness lies in their collective interaction and minimal browbeating of the soft spoken by the most vocal. Thus, every participant's voice can be heard. As noted by Powell *et al.* (1996 cited in Adler and Clark 2011:273), focus group interaction highlights issues that may elude other instruments. It also encourages the participation of potential respondents who may have missed or declined one-on-one interviews (Madriz 2000 cited in Adler and Clark 2011:273).

The approach enabled each group to interact by focusing on causes, effects and possible solutions to political violence in independent Zimbabwe. All the three groups discussed the same questions. This enabled the researcher to triangulate the responses. The group interactions produced a hybrid of experiences and opinions based on their diverse backgrounds. The emerging debates generated insightful ideas on the forms of political violence prevalent in Zimbabwe and how enduring peace and justice can be achieved.

Unlike in questionnaires and interviews, focus groups provided a natural environment as participants were 'influencing and influenced by others – just as they are in real life' (Krueger 1994:19 cited in Litosseliti 2003:2). In addition, the limited influence of the researcher enhanced the free flow of varied opinions as engagements deepened.

It is noteworthy that while interviews thrive on the exchange of information between the researcher and the respondents, focus groups primarily depend on the collective interaction and simulation of the participants amongst themselves. The simulation is based on questions administered by the researcher but the process is participant-dominated (Litosseliti 2003). The focus group discussion instrument has notable shortcomings; generalisation of findings is limited and participants' confidentiality compliance is based on goodwill (Adler and Clark 2011:273). Moreover, vocal participants browbeat the less extrovert.

8.8.3.3 Document and monument study

Document study is a qualitative research approach in which primary and secondary documents and monuments are analysed in order to acquire deeper understanding and possibly new interpretations. Documents supplement and complement the limitations of other sources through cross validation (Dhingra and Dhingra 2012). Document study provided me with an entry point as well as guidelines in my chosen topic. This enhanced the validity and reliability of the research findings. I studied both written and pictorial documents (in libraries and archives) as well as monuments and symbols related to peacebuilding in Zimbabwe. Regrettably, save for newspapers, the National Archives of Zimbabwe

(NAZ) whose repositories are mainly in print, avails all its primary documents at a 25-year interval. Moreover, all 'sensitive' documents are issued at the discretion of the NAZ. The NAZ retains the prerogative on which documents to avail.

It is lamentable that grassroots communities keep no records about their day-to-day events. The absence of modern records' management practices in traditional leadership institutions is disappointing. Chief Charumbira, the President of the Zimbabwe Traditional Chiefs' Council, challenged academics and government on the occasion of the International Archives Day commemorations (June 14, 2016) to collaborate with traditional leadership in developing a research and records keeping culture (Antonio 2016). I subscribe to Chief Charumbira's concern that modern records keeping and management practices among traditional institutions 'will aid social harmony through strong, transparent and accountable traditional governance' (Antonio 2016:2). In spite of their rich indigenous knowledge systems, Zimbabwean grassroots communities have not fully harnessed the culture of diarising daily events (Mutambara 2017). Both individual and collective events of historical significance are memorised and passed verbally from one generation to another. This situation has a negative impact on accuracy and truth recovery. The names of the parties involved as well as the dates, time and gravity of harm are easily distorted. These limitations can, however, be overcome through collective memory and comparison of testimonies. It is for this reason that I sampled five victims and four alleged perpetrators.

I am aware that 'nobody will study or write a topic without any pre-conception at all (Beach 1994:4) and that, documents are produced for a purpose and target a particular audience (Grix 2001 cited in Mogalakwe 2006:222). Moreover, 'documentary evidence reflects a communication among other parties attempting to achieve some other objectives' on the same topic (Yin 2003:87).

Objectivity is, therefore, elusive, as 'all historical sources are suffused by subjectivity right from the start' (Vansina 1980:276). It is, however, 'this biased quality of the sources that enables the historian in the end to reach a greater degree of objectivity' (Vansina 1980:276). I pledge to recognise all sources as per Durban University of Technology referencing guide (Neerpath *et al.* 2013).

Scott (1990 cited in Ahmed 2010:3) suggests a quality control criterion in handling documentary sources. The criterion involves weighing the authenticity, credibility, representativeness and meaning of documents intended for research purposes. Authenticity refers to whether the evidence is genuine and from impeccable sources; credibility refers to whether the evidence is typical of its kind; representativeness refers to whether the documents consulted are representative of the totality of the relevant documents, and meaning refers to whether the evidence is clear and comprehensible.

Consequently, document analysis must protect the authenticity or ‘truth value’ of their research and ensure that they offer a genuine interpretation of reality, or an accurate reading of a particular (set of) document(s). An authentic analysis that ensures credibility is one that offers a genuine interpretation of reality, or an accurate reading of a particular document. In a predominantly qualitative research, the objective of document analysis is less to offer a ‘truthful’ account of the information but to provide a believable interpretation of the meanings found in the document being used for research purpose (Ahmed 2010).

In addition to the orthodox textbooks, journals, blogs, the national constitution, bills and newspapers, I was also privileged to access peacebuilding-related monographs, diaries, maps, video/audio tapes, reports, pamphlets, as well as pictures and monuments. The Catholic Commission for Peace and Justice, the Centre for Peace Initiatives in Africa, the Zimbabwe Human Rights Lawyers and Africa University’s Institute for Peace, Leadership and Governance provided invaluable documents. These documents were used in both the literature review and data analysis. I was shown ZANU-PF torture camps and relics of buildings destroyed during the 2008 violence. These artefacts were mute but full of stories.

As per DUT requirements on academic integrity and honesty, sources of information, ideas, thoughts and opinions were acknowledged using the Harvard Referencing Style (Neerpath *et al.* 2013). Durban University of Technology’s End Note bibliographic management package is useful in storing and organising references, searching online bibliographic databases, retrieving reading materials and creating bibliographies (Neerpath *et al.* 2013: 1). I also used footnotes to clarify some issues.

8.8.3.3 Information communication and technology

Electronic data collection (ICT) is a relatively new but convenient qualitative technique. I initially used this instrument during the piloting stage. Building on this initial success, I selected my electronic respondents through purposive and snowballing techniques. Participants in this category were either beyond physical reach or unable to afford me face-to-face interaction. The technique had both merits and demerits. Gay *et al.* (2011:388) acknowledge that the electronic technique is smart and yields ready-to-analyse data. The facility also enabled me to consult far and beyond and to secure even video and audio tapes which I could play repeatedly. For instance, I was able to secure Lederach’s interview on the art of peace in local peacebuilding (2012). The WhatsApp chat platform was equally useful. It helped me to prepare teaching and learning aids for my peacebuilding intervention in a politically polarised rural community. I also used WhatsApp to consult on key research issues and to create an interaction platform for a rural community in conflict transformation. The rapport amongst these

erstwhile polarised participants will be continuously monitored. However, electronic ethical considerations, commonly known as netiquette have to be adhered to. These include confidentiality, anonymity and even ICT skills. In fact, all e-mail respondents pleaded for confidentiality. This explains why most of the e-mail efforts were not responded to.

8.8.3.4 Observations

Observations were intrinsic and holistic from start to finish. However, the technique became more purposeful during and after the dialogue intervention workshop. I observed, during the face-to-face interviews and questionnaire administration that community relations were strained. Ironically, this prompted my action research. Guided by the transformative philosophical paradigm and Lederach's conflict transformation theory, I assumed the researcher-cum-observer role. I switched my role from being a mere data gatherer to a trainer-cum-counsellor on issues of revenge justice, forgiveness and compensation/reparations/restitution. Allowing the dialogue to flow uninterrupted enabled me to empathise and re-live the experiences.

In addition to attentive listening and transcription skills, all research techniques require the use of all human senses – sight, feeling (empathy/imagination), smell, taste and hearing. Participatory observation enabled me to empathise with respondents' experiences. I was particular about the way the participants interacted during the dialogue workshop. I observed participants' verbal and non-verbal rapport. The observation technique is continuous in monitoring and evaluation process. As a participant of the community WhatsApp chat platform, I continue to observe how members relate.

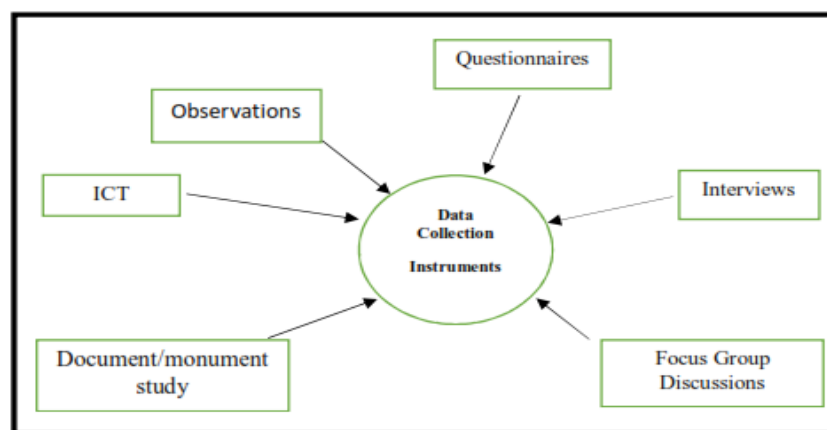


Figure 8.8 Data gathering instruments. Adapted from Schirch 2013: 54

8.9 Data presentation, analysis and interpretation procedures

Data presentation and analysis is a practice in which raw data is ordered and organised in order to draw meaningful conclusions from it (Gay *et al.* 2011). As shown in Figure 8.6, this is step number 6 of mixed methods research (Creswell 2012). The process facilitates the interplay between researcher and his/her raw data (Strauss and Corbin 1998). The mixed methods research yielded quantitative (statistical) and qualitative (narrative/text-based) data (Curry *et al.* 2009). My task was, therefore, to make the raw data ‘speak’ about Zimbabwe’s transitional justice options. Aspects of research design, methodology, sampling, validity, reliability and ethical consideration were tested.

Handling quantitative and qualitative data requires great skill. The ‘needle in the haystack’ must be sought by carefully scrutinising the corpus of data gathered. I modified Creswell’s ‘convergent parallel mixed methods’ data gathering plan (2014:220) in Figure 8.10 into a ‘convergent parallel mixed methods’ data analysis plan illustrated below.

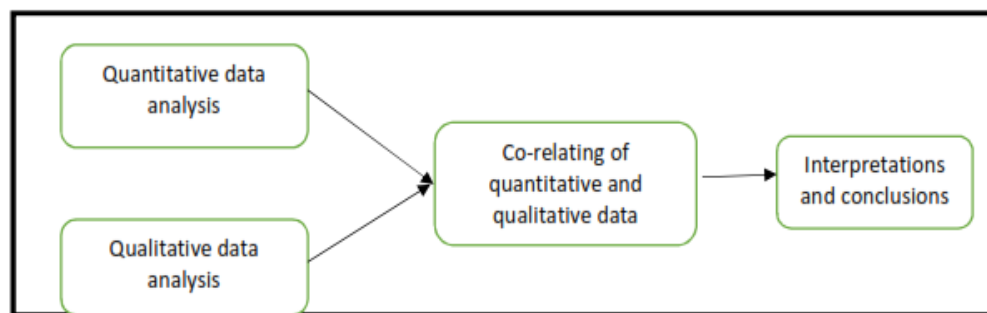


Figure 8.9 Convergent parallel mixed methods data analysis. Adapted from Creswell 2014:220

Both quantitative and qualitative data was analysed manually. No computer software was used to analyse the quantitative data because the statistical data was generated to provide answers targeted by the researcher. Data were presented in tables, graphs and charts.

Qualitative data was grouped according to research questions/objectives. The emerging patterns enabled me to draw up themes. The findings were integrated in order to draw inferences. My data integration involved consolidation and co-relation, rather than deliberate comparison of the outcomes. This approach is called integrative data analysis because it involves the integration of two or more different approaches in one mixed methods research (Small 2011).

8.10 Validity and reliability

Validity and reliability can be conceptualised as ‘trustworthiness, rigour and quality’ in research (Golafshani 2003:604). The validity and reliability constructs aim to test how valid and reliable a research undertaking is. In simple terms, validity is the degree to which an instrument measures what it is intended to measure and reliability is the degree of consistency with which an instrument or researcher measures a variable. Data becomes reliable and valid if it comes from dependable sources and answers the projected research questions (Schirch 2013). This quest for truth can be strengthened by comparing data from more sources. This practice of comparing or relating data is called data triangulation. Data triangulation seeks ‘convergence among multiple and different sources of information’ (Creswell and Miller 2000:126). Save for the published documents, I used mainly primary sources. The mixed methods approach has inherent triangulation strength. The simultaneous use of quantitative and qualitative methods complemented each other (Neuman 2014). This complementarity of sources enhances validity and reliability of the research outcome. Johnson and Turner (2003:229 cited in Teddlie and Tashakkori 2009:33) urge that, ‘methods should be mixed in a way that reflects complementary strengths and non-overlapping weaknesses.’ Peer review and recommendations from this research’s stakeholders, particularly my supervisor and the pilot tests were very useful in the designing of both the methodologies and data gathering instruments and fact-checking. Using the correct research methods and instruments increases the quality of the research outcomes.

Pre-testing research techniques and instruments enabled me to gauge the feasibility of both the research samples and data collection methods. The prime motive was to simulate and rehearse the actual data collection processes. This enhanced quality assurance.

Venkatesh *et al.* (2013) contend that validity and reliability are inter-related constructs in that the latter reinforces the former, thereby making their pursuit a precondition in all authentic research. Therefore, the deliberate pursuit of the two constructs enhanced the quality of this research.

8.10.1 Quantitative reliability and validity

Reliability and validity are very critical constructs in quantitative research. In this research, the quality of the questionnaire determined the reliability while the legitimacy and objectivity of the respondents’ input determined the accuracy as well as the generalisation of the findings (Venkatesh *et al.* 2013). I inferred that Mutare South had the same feelings about the causes, effects of politically motivated violence and the possible solutions. Reliability and validity in the quantitative research is the extent to which the results are an accurate representation of the entire population and evidence, objectivity, and truth respectively (Dhingra and Dhingra 2012). In other words, the truthfulness of the research results

depends on whether the research instrument allowed the researcher to ‘hit the bull’s eye’ – the research object (Dhingra and Dhingra 2012:48).

8.10.2 Qualitative credibility and trustworthiness

In qualitative research, credibility, trustworthiness, rigor and quality enhance reliability and validity. Creswell (2009) defines qualitative validity as the accuracy of the research findings, and qualitative reliability as consistence in face of cross checking. The use pilot tests, face-to-face interviews, focus group discussion, document study and observations had inherent triangulation strength. The dependability and trustworthiness of qualitative research findings enhances the reliability (Lincoln and Guba cited in Dhingra and Dhingra 2012:51). Through data triangulation, the study endeavours to establish trustworthiness ‘by addressing the credibility, transferability, dependability and confirmability of the study findings’ (Gay *et al.* 2011:632-633).

Taking a cue from Anney (2014), I enhanced the credibility of my qualitative research findings by prolonging and varying fieldwork techniques. The transformative research design demanded active engagement with participants in search for solutions to Zimbabwe’s endemic political violence. The dialogue intervention required prolonged engagement in order to observe relational dynamics. In addition to the design validity, I also used the analytical and inferential validity testing measures.

In pursuit of analytical validity, I had to assume that data collection and analysis was infinitive. This continuous analysis was informed by the quest for new and dependable knowledge. As advised by Curry *et al.* (2009), I continuously pondered over the possible synergies between data gathering and data analysis processes. The motive was to generate further understanding. This quality inference, rigour and trustworthiness ensured validity in qualitative research (Dhingra and Dhingra 2012:52).

As noted in Figures 8.7 (a) and (b), Jacobs’ concern about the population-sample ratio enables inference and generalisation (2010). However, Bhattacharjee (2012) regards inferential validity as the extent to which a study can be confirmed. Therefore, I had to be sincere with the participants’ input during both data collection, transcription, translation and interpretation processes. I also assured feedback once the study was completed.

8.10.3 Mixed methods research validity and reliability

The merits of the mixed methods research design have been acknowledged. As shown in Figure 8.11, inference quality and data quality are important constructs in mixed methods research validity and reliability. Inference quality refers to the accuracy of inductively and deductively drawn interpretations and conclusions while data quality is the extent to which the data generated meet the standards of quality

to be considered reliable and valid (Venkatesh *et al.* 2013). Figure 8.13 illustrates that inference quality involves the design quality and interpretive rigour. Design quality is the extent to which a study adheres to the chosen research design while interpretive rigour is the evaluation of the accuracy or authenticity research findings (Onwuegbuzie *et al.* 2006). This research increased data quality by triangulating quantitative and qualitative data. Data triangulation involved intensive processing of raw data, verification of the findings and drawing informed conclusions.

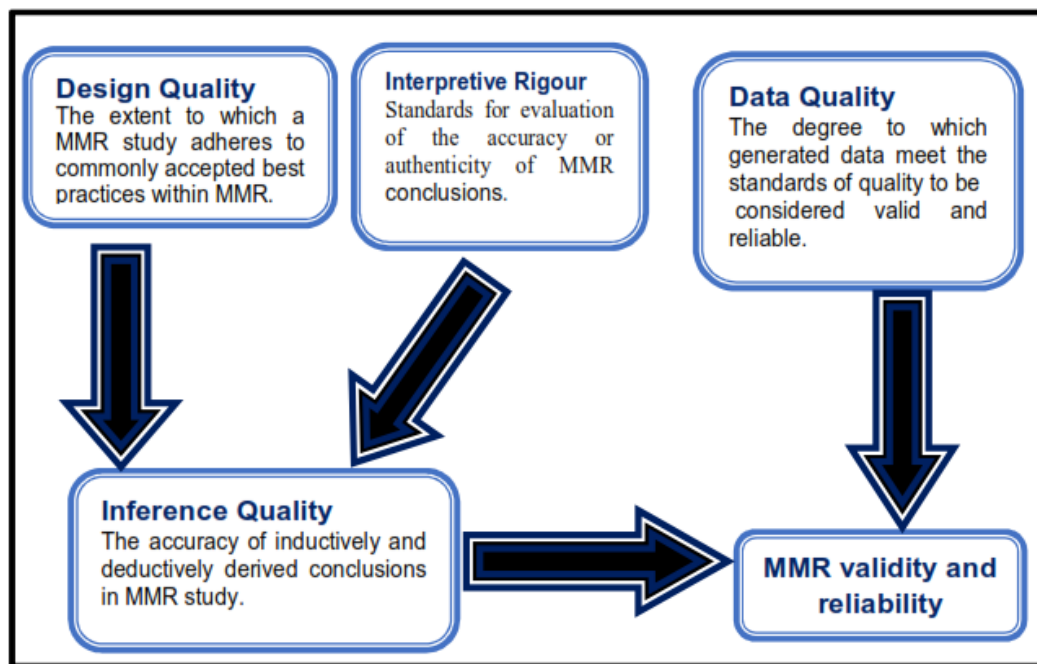


Figure 8.10 Mixed methods research validity and reliability based on the inference and data quality constructs. Adapted from Onwuegbuzie and Johnson (2006:55)

8.11 Ethical considerations

Ethics has become a cornerstone for conducting effective and meaningful research (Drew 2007). ‘Ethics has to do with the application of moral principles to prevent harming or wrongdoing others, to promote the good, to be respectful and to be fair’ (Sieber 1993: 14 cited in Wellington *et al.* 2012:104). Research ethics varies from subject area, profession and institution. It is my declared wish that despite the emotive nature of the research topic, I must not compromise the professional integrity of the design and the potential effects of the research findings in making Zimbabwe a better country for everyone. As noted in my declaration, the pursuit for impartiality vis-à-vis my possible non-impartiality were made clear. After an uneasy start, I realised the need to clearly explain the purpose of the research and become familiar with the local traditional and political leadership. The involvement of the dominant Roman

Catholic Church also worked in my favour. Instead of discussing ‘politics’, I discussed ‘issues’ with the participants. I dissuaded the participants from mentioning names of political parties and their leaders. The researcher - research participants rapport based on mutual confidence is critical. Mention has to be made of a university history professor and former ambassador whose responses to all interview questions were, ‘I do not know.’ The implication is explained in Chapters 9 and 10.

O’Leary (2010:41-42) identifies three broad research ethics rituals, namely: informed consent of participants, safety of respondents and protection of their identity. To these three, discussed below, I also complied, to the best of my ability, with the DUT referencing guidelines underlined in the dictum: ‘Recognise don’t plagiarise’ (Neerpuh 2013).

8.11.1 Informed consent of all participants

Informed consent of the research participants involves ‘the procedure by which an individual may choose whether or not to participate in a study’ (Drew 2007:57). This may be regarded as honest adherence to the letter and spirit of the researcher- respondent contract conceived at the formative stages of the research. Informed consent can be viewed as the main clause of the researcher-respondent contract, containing ‘as much information as possible about the research so that prospective participants can make an informed decision on their possible participation’ (Silverman 2013:162). The primary goal of the ‘informed consent principle’ is to conduct research in mutual consent.

The mutual consent was secured from both the entry points and all the participants involved, including my own students. In this research, participants needed full understanding of their involvement in the research such as time commitment, their role, topic under study as well as potential emotional and political risks (O’Leary 2010:41). Issues concerning participants’ intellectual competence, psychological maturity as well as voluntary participation from start to finish were considered (O’Leary 2010:41). I explained to all potential participants that participation was voluntary and free from any coercion or persuasion. I also clarified their right to refuse to participate and even withdraw their participation at any stage of the process ‘whenever and for whatever reason they wish’ (Silverman 2013:162). The photographs are used with the full consent of the stakeholders. I promised to avail the research findings for further reflection.

8.11.2 Safety of respondents

Guaranteeing ‘no harm’ to the participants is an invaluable ethical consideration. This research has no direct (physical) threats to the participants, but its emotive nature meant it can cause severe emotional or psychological harm. Emotional and psychological harm is ‘invisible’, but most harmful because it affects the minds and souls of the victims (Galtung 1969). I applied Anderson’s ‘do no harm theory’

which advises peace practitioners to desist from causing ‘secondary harm’ to victims of violence (1999). I clearly explained to all participants that the research was purely academic and designed to benefit everyone, irrespective of political party affiliations. I reiterated that participation was consensual and voluntary.

However, the politically sensitive nature of my topic made some of my respondents sceptical and scared. Securing permission from both the State and traditional leadership was cumbersome. I was able to convince them that my study was purely academic and intended to benefit the entire nation. My fieldwork exercise also coincided with the Parliament of Zimbabwe’s national consultation on the proposed National Peace and Reconciliation Commission Bill.

8.11.3 Confidentiality and anonymity

Building on the affirmed mutual consent with all my potential respondents, I guaranteed them anonymity and confidentiality of all information supplied. Names and identity of participants would be protected by collectively referring to all information collected as data. In fact, it is part of the mutual contract that confidentiality of the informants’ identity will be respected, unless they consent to their disclosure (Silverman 2013:162). One survivor insisted that his identity and plight be publicised, but as an ethical contract, his experiences were not personalised. However, the voice and ownership of the output is credited to participants. Through networking, I was referred to two CSOs (names withheld) operating secretly in the sampled area.

8.12 Research Timeline

ACTIVITY	APPROXIMATE TIME FRAME
1. Alternative to Violence Projects Training and Proposal writing	January - July 2014
2. Literature review, Research methodologies, Pilot testing and clearance	August 2014 - August 2015
3. Fieldwork Phase 1: Data gathering	September 2015-June 2016
4. Fieldwork Phase 2: Interventions	July-Mid August 2016
5. Data analysis and write up	Mid-August 2016 - January 2017
6. Proof-reading and submission	January-May 2017

Table 8.2 Research activity and approximate time frame

8.13 Summary

This chapter described the research paradigm, research design, research methodology, the research population, the research sample, sampling procedure, data collection instruments, data presentation and

analysis proposal, validity, reliability and ethical considerations. The chapter also acknowledged the lessons learnt from the fieldwork experience. I learnt, inter alia, the importance of ‘ownership and inclusion of local people’ in peacebuilding programmes as key actors rather than as victims or mere policy implementers (Schirch 2013:16). Data collection is so labour intensive but worthwhile since there is no substitute for bulk data collection. In fact, ‘collecting more data is the only way to ensure that one has access to the needle’ (Paradigm Research 2015:22). Seeking information makes a big difference because potential informants only speak when probed.

The fieldwork had its share of challenges. I had to endure the frustration of waiting, sometimes in vain for booked interview appointments. The rural informants were invariably sceptical to inquisitive strangers, but mutual rapport could be forged and sustained. Protocol and ethics were adhered to throughout the research process. Using the mixed methods research should be holistic from the choice of the research design right up to data analysis. The seemingly divergent quantitative and qualitative methods complement each other. I co-related the mixed methods research findings for the purposes of analysis and interpretation. The next chapter will present, analyse and interpret the mixed methods’ research data.

Section IV: Data presentation, analysis and interpretation

Chapter 9: Data presentation

9.0 Introduction

Section IV is divided into Chapters 9 and 10. The previous chapter described how mixed methods' research was carried out. Chapters 9 and 10 focus on data presentation and data analysis and interpretation respectively. The qualitative and quantitative data is collated as proposed in the methodology. The motive, as noted from the onset, is to ensure validity and reliability of the research findings through continuous data triangulation. The world has become so data-driven that evidence should be convincing (Cure Violence 2016). Quantitative responses from predetermined questions are presented in tables, graphs and pie charts in these chapters, while qualitative data (together with open-ended questionnaire responses) are presented in thematic strands derived from the research questions and objectives. As advised by Charmaz (2006:57), I combined structured questions from both the quantitative and qualitative research instruments with common themes. It dawned on me during data presentation that the data collection processes in the rural sample had not helped the community to overcome their divisions. This prompted me to organise an urgent dialogue intervention workshop to try and help the disputants to transform their diversity into gains. The outcomes of the interactive intervention were significantly encouraging.

9.1 Data presentation

9.1.1 Quantitative data presentation

Out of 50 questionnaires deployed, 40 (80%) were accounted for. My research assistant informed me that he had given the missing questionnaires to known ruling party functionaries who initially threatened to disrupt the data collection schedule. I had to seek the intervention of both the local traditional and ZANU-PF leadership. The incident confirmed that the guilty can be afraid. I was impressed that some of them participated in the dialogue workshop and tree planting. They are also members of the WhatsApp Group initiative. The questionnaires generated data in two phases: namely, numerical and 'hard' information predetermined by the researcher and open-ended responses. Open-ended questionnaire responses will be presented and analysed together with qualitative data. Pre-determined quantitative data participants' gender balance, age ranges, nature of political violence experienced, the drivers of the violence, effects and possible intervention mechanisms are discussed. Some of the predetermined responses like the effects of political violence reveal the frequency of occurrence.

9.1.1.1. Participants' gender ratio

The questionnaire gave both males and females an equal chance to participate. Of the 40 questionnaires accounted for, 24 were males and 16 were females as shown in Figure 9.1. My concern about gender in the study was twofold; to establish women's role in public participation and to get their first-hand experiences and their input on the way forward. The 40%:60% (male-female) ratio was almost balanced. The implications on gender and political violence will be discussed in the next chapter.

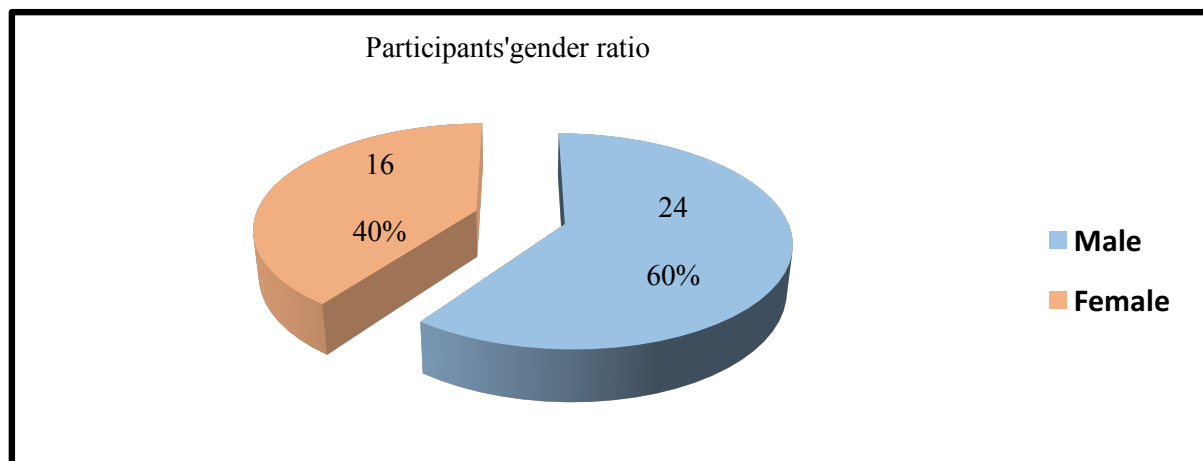


Figure 9.1 Participants' gender ratio

9.1.1.2 Participants' age ranges

Information about the participants' age ranges has many functions, key of which is to analyse the demographic dynamics vis-à-vis the themes under investigation. In this case, I wanted to co-relate age ranges with the prevalent conflict trends. The information was later used, inter alia, to determine the community-based peacebuilding intervention programme. Figure 9.2 illustrates the age range of participants.

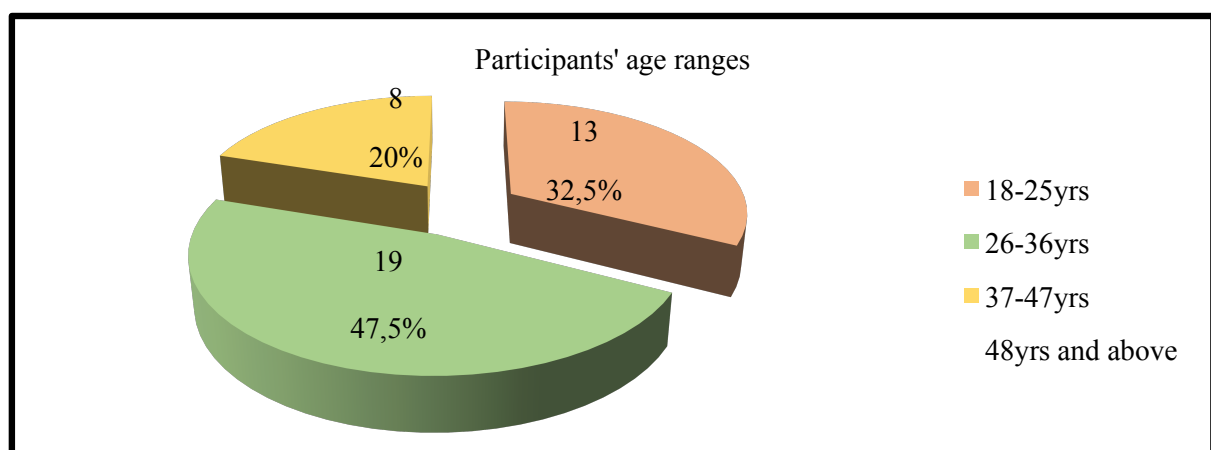


Figure 9.2 Participants' age ranges

9.1.1.3 Political violence experienced

Question 3: *Which of the following forms of political violence have been experienced in this community?*

This question derived from the research question/objective 1, sought participants' responses on the forms/types and partly the effects of politically motivated violence endured by the community. The categories of the forms of violence sought were determined by Galtung's 'Triangle of Violence Model' discussed in chapter 5. Galtung's triangle classifies violence into physical (visible) and the invisible, but lethal, structural and cultural violence. The responses indicate that physical and structural violence was more prevalent. The responses confirmed that violence affected 'individuals and groups physically, emotionally, cognitively, behaviourally and spiritually' (Yoder 2005:10). The high incidence of political violence in the community is evidenced by the overall frequency of 24 (88.8%). Figure 9.3 shows the forms/types and partly the effects of political violence.

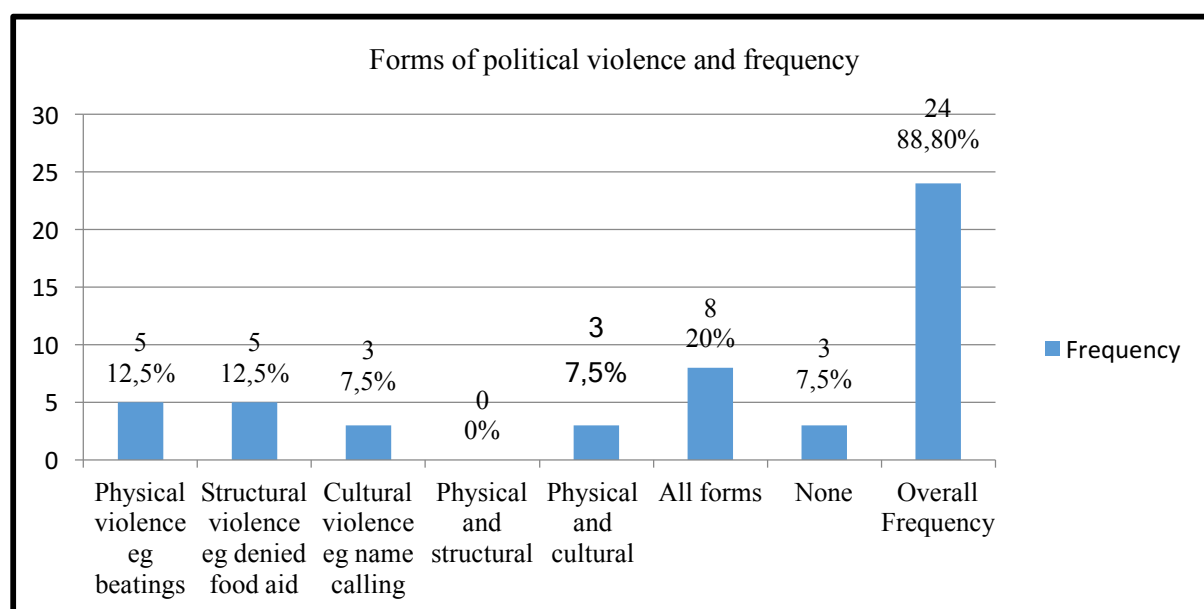


Figure 9.3 Forms/types of political violence and frequency

9.1.1.4 Identity of perpetrators

Question 4: *Do you think the people in your community know the perpetrators of political violence?*

The question probed participants with regards to the identity of alleged perpetrators. As shown below, 32 participants (80%) indicated that the identity of perpetrators was known.

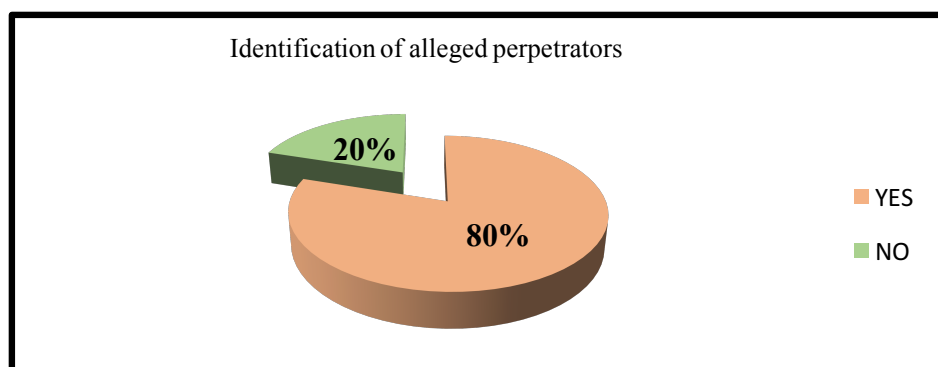


Figure 9.4 Identity of alleged perpetrators

9.1.1.5 Effects of political violence

Question 5: *What have the effects of political violence in your community been?*

This question sought responses to the research question/objective 1, which focuses primarily on the effects of political violence in Zimbabwe. The motive of the question was not to re-open old wounds, but to heal them, through fact-finding. This information was important in informing action on the way forward. The responses tallied with the qualitative interviews and documentary sources. Upon realising that my research activities in the rural sample could cause more harm than good, I organised a dialogue intervention workshop. The intervention motive was to create opportunities for forgiveness and reconciliation. Using the discovery and reflection methodologies, the intervention was targeted to enhance community-based peacebuilding measures. Figure 9.5 shows the effects and frequency of physical, structural and cultural violence in the case-studied area.

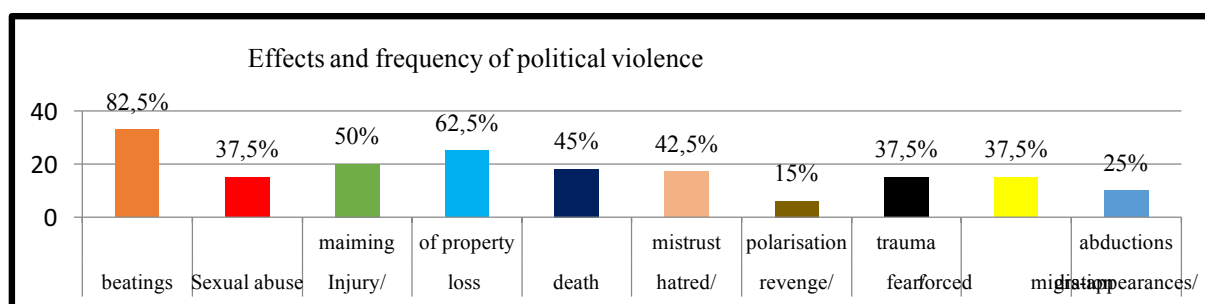


Figure 9.5 Effects and frequency of political violence

Figure 9.5 shows high frequency in physical (visible) violence as compared to invisible (structural and cultural) violence. The motive for this predetermined answer was not to compare the intensity of the visible and invisible violence, but to show the effects of violence endured. Perhaps the invisible violence is harder to record or to determine from a questionnaire.

9.1.1.6 Local peacebuilding interventions

Question 6: *What action has been taken by this community leadership to deal with the perpetrators and victims of political violence?*

This question sought information on effectiveness of traditional leadership in dealing with politically motivated injustices in their dominions.

Questions 6-9 sought information on intervention mechanisms from three possible sources, namely: the traditional leadership, the State and peacebuilding-related civil society organisations. The responses are shown in Figures 9.6, 9.7 and 9.8. An examination of responses from open-ended questionnaire questions and qualitative data indicate why peace and justice have been so elusive.

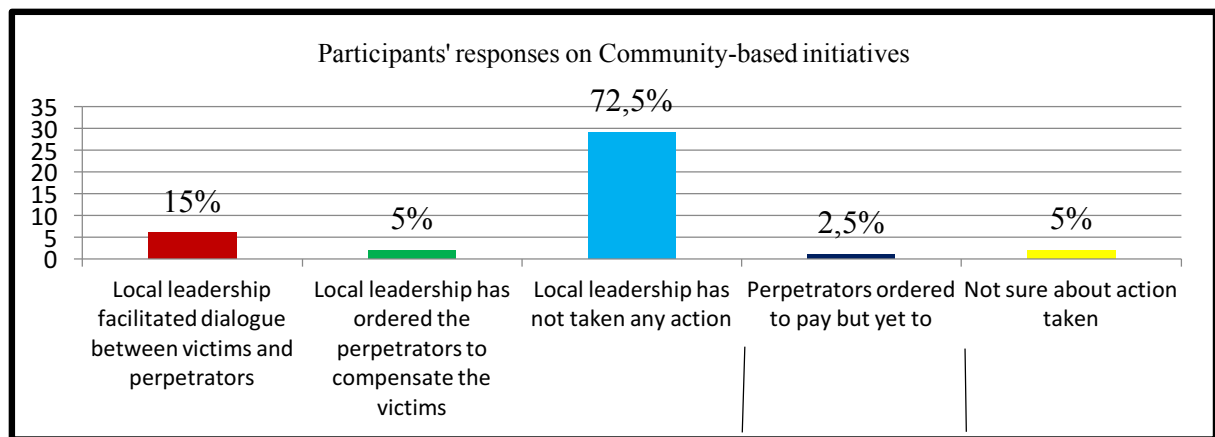


Figure 9.6 Participants' responses on community-based peacebuilding initiatives

9.1.1.7 Interventions by the government

Question 7: *Do you know of any actions that have been taken by the Government to deal with the perpetrators and victims of political violence?*

This question sought respondents' views on the reactions of the police in dealing with political violence. However, the question did not specify the form of action taken. Both the alleged perpetrators and victims confided that the victims were prevailed upon to renounce their opposition alliance and be 'born again.'

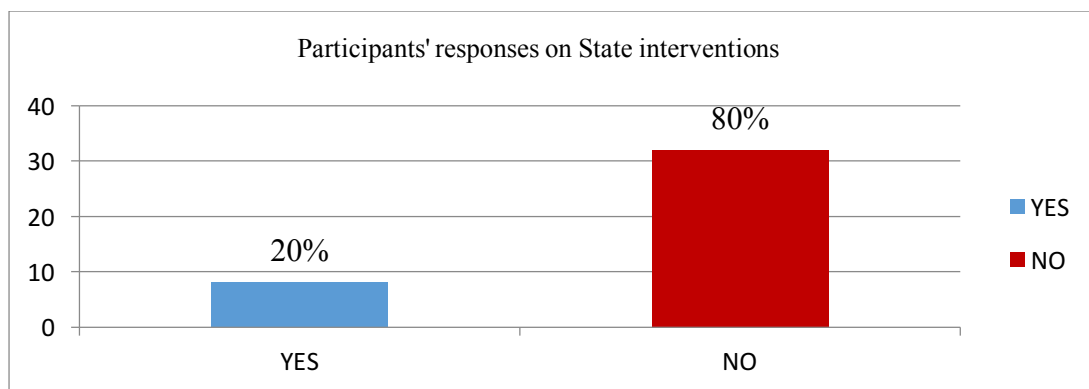


Figure 9.7 Participants' responses on State interventions

9.1.1.8 Interventions by non-State actors

Question 9: *Do you know of any actions that have been taken by the non-governmental organisations to end political violence in your community? If so, what are these?*

As shall be noted in the next chapter, interventions by non-state actors such as the opposition and non-governmental organisations included documentation of the forms of violence, medication, shelter, food aid and hope.

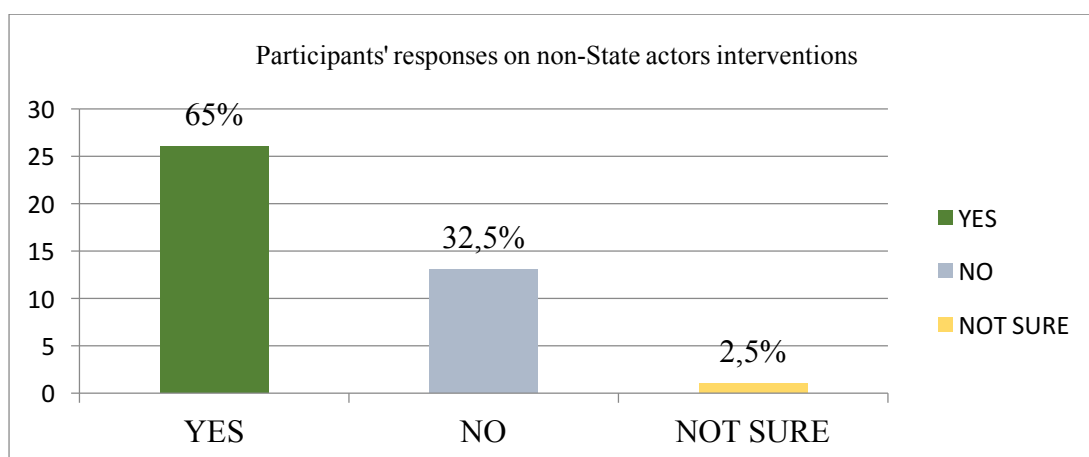


Figure 9.8 Participants' responses on Non-State interventions

9.2 Qualitative data findings

Qualitative research findings will be presented according to themes determined by the qualitative research questions and objectives.

9.2.1 The nature (forms/types), extent and causes of political violence in Zimbabwe

Question 1: *What is the nature (forms), extent, causes and effects of political violence in independent Zimbabwe?*

Two separate tables (9.1 and 9.2) were used to present the nature (forms/types), causes, extent and effects of political violence in Zimbabwe. Galtung's Triangle of Violence Model was used to categorise the nature of political violence. The model says physical violence is visible but less lethal and less harmful than the invisible and latent structural and cultural violence (even though it may not appear like that at face value). Overall, cultural violence legitimises direct and structural violence by making it look right and acceptable in society (Galtung 1996:196). Moreover, cultural violence may make violence such as murder on behalf of the government right or normalises the abnormal (Galtung 1996:196-197). It is also imperative to reiterate that, while cultural violence is invariant and permanent, direct violence is an event and structural violence is a fluctuating process, but the three feed into each other (Galtung 1996:199). The next chapter will analyse how the participants are affected by these categories of violence.

Physical Violence (Visible)	Institutionalised/ structural Violence (Invisible)	Cultural/ emotional Violence (Invisible)
<ul style="list-style-type: none"> ❖ beatings and bullying ❖ systematic torture and assaults ❖ limb mutilation/amputation ❖ death/killing/murder ❖ petrol bombing ❖ permanent disabilities ❖ maiming ❖ disappearances ❖ kidnapping/abductions ❖ arrests and detention ❖ displacements ❖ looting ❖ loss of property ❖ arson ❖ loss of livelihoods ❖ forced assemblies (rallies) ❖ gang rape ❖ retribution 	<ul style="list-style-type: none"> ❖ election time is wartime ❖ torture camps ❖ violence is a ready tool ❖ denied food/inputs aid ❖ systematic violence by State agents: army, police, CIO, prisons, war veterans, militia, traditional leaders, terror squads ❖ manipulated judiciary ❖ militarisation of all state institutions ❖ political purges ❖ assassinations ❖ impunity and selective application of the law ❖ no separation of powers ❖ political polarisation ❖ heavy press/ media censorship – AIPPA and POSA ❖ coercion ❖ blacklisted ❖ roadblocks and curfews ❖ threats and harassments ❖ media propaganda ❖ surveillance and monitoring ❖ critics labelled sell-outs ❖ spy network ❖ political intolerance ❖ electoral rigging ❖ disenfranchised ❖ extortion ❖ persecution and prosecution ❖ compulsory ZANU-PF card carrying membership ❖ censored school curricular ❖ marginalisation ❖ segregation and discrimination ❖ bribes and bureaucracy ❖ monologue between Government and citizens 	<ul style="list-style-type: none"> ❖ war mode ❖ 27 June now synonymous with violence since 2008 ❖ hate speech ❖ insults and labelling ❖ ethnic, class, racial and regional tensions ❖ abject poverty ❖ vulnerability and insecurity ❖ ruthless suppression of opposition ❖ intolerance ❖ corruption and abuse of state resources ❖ general insecurity ❖ mutual mistrust ❖ songs and slogans ❖ nepotism/ethnicism ❖ subversion of the rule of law and constitutionalism ❖ name-calling and labelling ❖ victimhood and stigmatisation ❖ indoctrination and brainwashing ❖ politicisation of national symbols eg national anthem and flag ❖ extreme nationalism ❖ leadership cult and hero worshipping ❖ gross mismanagement ❖ identity crisis/ isolation and detachment ❖ national pledge in schools ❖ unemployment ❖ limited civil society space ❖ instil culture of fear ❖ gender imbalance ❖ refugees

		❖ extreme poverty, hunger and disease
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Table 9.1 Forms (types) of political violence in Zimbabwe

Causes of political violence	Extent of political violence	Effects of political violence
<ul style="list-style-type: none"> • power and influence • racial motives • ethnic motives • power as a means to the end • us-them identities • political violence as a colonial legacy • impunity • failure to address wrongs of the past • revenge and retribution • extreme nationalism and patriotism • dictatorship and disregard for basic human rights • fear of the unknown • political intolerance 	<ul style="list-style-type: none"> • polarisation/patronage and politicisation of all public institutions • elections have become the synonymous with violence • compromised rule of law and constitutionalism • entrenched culture of fear/dictatorship • alleged massive electoral rigging • impunity and lawlessness • curfews/ no go areas • security sector brutality/terror • indiscriminate violence • no separation of powers • conflation of party and the State business • widening rich-poor gap • weak corporate governance • marginalisation, segregation and discrimination • group assembling regulated by POSA and AIPPA • spy network • institutionalised corruption • president's portraits 	<ul style="list-style-type: none"> • loss of life and property • disregard for constitutionalism and the rule of law • loss of self-esteem • perpetual fear and insecurity • political patronage and compromised judiciary • stigmatisation and stress • threats and counter threats • cycles of violence • voter apathy and despondency • loss of livelihoods and underdevelopment • political polarisation • secessionist and succession movements • homelessness and despair • child-headed families • deep-seated grievances and uncured wounds • avenging spirits • violence as the master tool • political and economic refugees • negative peace • depression and stress • no public consultation • media censorship • unmitigated socio-economic crisis eg hyperinflation • corruption and graft • citizen-driven nonviolent protests • mistrust, hostility and social disharmony

Table 9.2 Extent, causes and effects of political violence in Zimbabwe

9.2.2 Transitional justice models for Zimbabwe

Exploring transitional justice options for Zimbabwe was the central purpose of this research undertaking. This theme sought respondents' input on the ideal transitional justice model(s) that can transform Zimbabwe from the current culture of political violence to a culture of sustainable peace and justice. The objective was to explore possible transitional justice options for Zimbabwe. To ensure data triangulation, both the quantitative and qualitative data gathering instruments asked this question.

Question 11 on the questionnaire reads: *Which transitional justice strategies can be used to achieve healing and reconciliation in Zimbabwe?* The qualitative instruments sought the same response in question 2, which reads: *Which transitional justice model(s) can transform Zimbabwe from a culture of political violence to a culture of sustainable peace and justice?* This central research question of this study guided my investigation on how Zimbabwe can transform from the current situation of endemic political violence to a culture of sustainable peace and justice. The Shona vernacular version of the question (*Ndedzipi nzira dzinogona kushandiswa kuti vanhu vayanane mu Zimbabwe*) was simple to the participants. The research findings suggest that a hybrid and not a single model can effectively deal with Zimbabwe's culture of political violence and impunity. Figure 9.3 shows the possible transitional justice models for Zimbabwe. The National Transitional Authority is a new phenomenon. It was proposed during qualitative interviews. Its proponents, who are mainly academics, emphasised the need for a an apolitical authority to take over the national leadership until it becomes favourable for free and fair elections. The neutral authority, it was argued, has the potential to defuse the politics of polarisation that has characterised Zimbabwe's political terrain.

Questionnaire responses to question 11	Interviews and focus group discussions responses to question 2
<ul style="list-style-type: none"> • community-based initiatives • criminal courts • traditional and religious mechanisms • constitutionalism and the rule of law • international organisations • forgiveness and mercy • truth telling • reparations and compensation • institutional reforms • purges 	<ul style="list-style-type: none"> • traditional courts • criminal courts • human rights commission • truth and reconciliation commission • commission of inquiry • effective leadership • memorials and reparations • national Transitional Authority • amnesty • amnesia • good governance

Table 9.3 Possible transitional justice models suitable for Zimbabwe

9.2.3 The would-be actors in Zimbabwe's transitional justice processes and their roles

Both the quantitative and the qualitative instruments sought to establish relevant stakeholders (and their roles) in Zimbabwe's transitional justice processes.

- Question 12 (questionnaire): *Which actors should be involved in Zimbabwe's national healing and reconciliation processes?*

- Question 3 (interview): *Who should be the stakeholders in Zimbabwe's transitional justice processes and what should be their roles?*

The data generated is shown in Table 9:12 below.

Potential Transitional Justice Stakeholders in Zimbabwe	Their possible roles/ and mandate at glance
The State (Executive, Legislative and Judiciary)	Guarantor of security and good will
International community	Inform on best practices and funding
Traditional leadership	Custodians of indigenous values and norms
Victims/survivors	Testify experiences and forgive
Perpetrators	Account for their actions and seek forgiveness
Political parties	Intra-party healing by accounting for actions
Civil Society Organisations (local and international)	Research and documentation, Early warning systems, Monitoring and implementation.
Business community	Funding, logistics and evaluation
Local communities and authorities (both rural and urban)	Own local peacebuilding initiatives
Researchers and Eminent persons	Think-tanks, moderation, peer review, policy influence
Counselling Services Unit	Post-traumatic stress disorder awareness and management
Churches/ Religious groups	Mediation, intervention, prayers
Trade Unions	Workers' conditions of service
White community	Testify experiences
Joint Operations Command (Army, Police, War Veterans and Prisons)	Security sector reform adherence to professional ethics
The media (both local and international)	Publicity and unifier
National Peace and Reconciliation Commission	Buy-in all-stakeholder input and form a working framework
The youth	Advocacy for change
Ordinary citizens	People power. They define how they want to be governed
Pressure Groups	Whistle blowers, awareness and advocacy

Table 9.4 Potential transitional justice stakeholders in Zimbabwe and their roles

9.2.4 In pursuit of an enduring national peace and reconciliation process in Zimbabwe

This theme was derived from objective 4: *How can Zimbabwe's transitional justice processes be sustained?*

The objective was to draw lessons learnt from both collective indigenous knowledge systems and the best practices in transitional justice processes. This theme sought to probe ways through which transitional justice processes in Zimbabwe can be sustained. Below are the main research outcomes:

- Wrongs of the past cannot just be wished away; they must be non-violently redressed to avoid recurrence.
- Truth-recovery is imperative; it does not bring the dead back to life, but brings them out of silence (Zalaquett 1993).
- Memorialisation closes memory gates.
- Constitutionalism and the rule of law should be the guiding principles of organisations. They ensure good governance through checks and balances.
- State, business sector and civil society engagement promotes strong institutional reforms and accountability.
- Strong socio-economic structures minimise social disharmony.
- Sustained engagement and dialogue between the State and the citizens promotes trust and goodwill.
- Intensive research on the peacebuilding dynamics.
- Restorative justice must be victim-centred and consultative.
- Use of whistle blowers can detect early warning signs – preventive measure

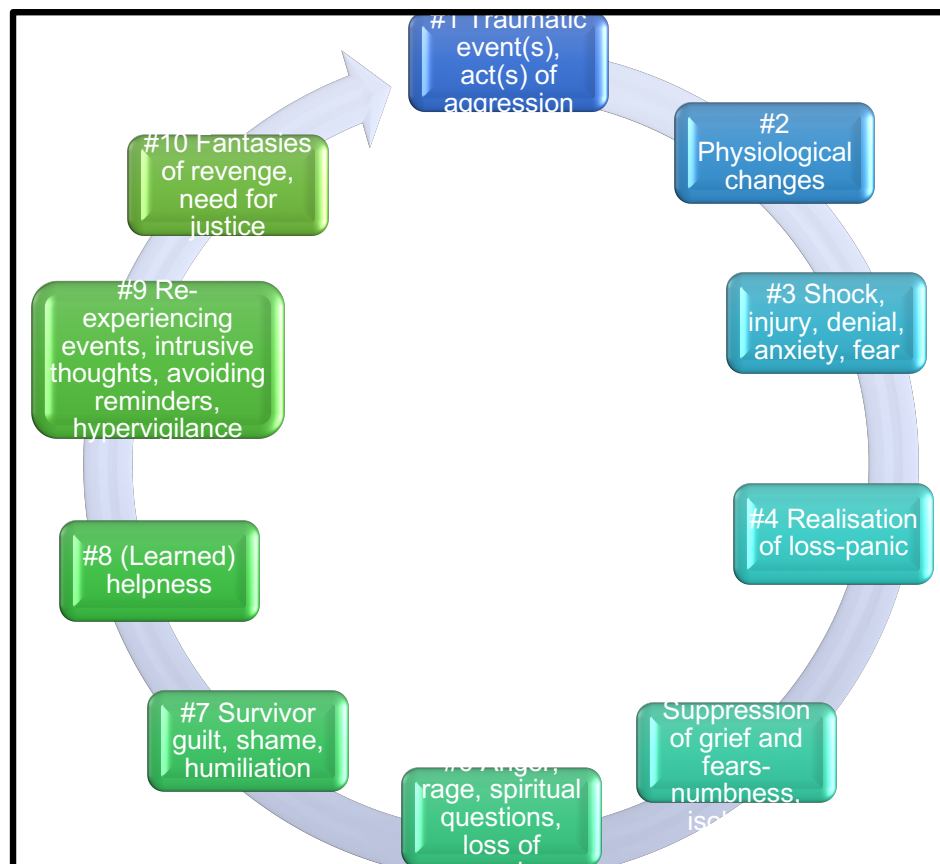
9.3 Intervention strategies in Zimbabwe's political violence-prone communities: How communities can let go in order to move on

If something terrible has happened to you, to those you love, it is an understandable and normal response to hate, to be bitter, to want to revenge. The problem is ...it will not destroy our enemies; it will destroy us. We have to find ways of acknowledging the poison and letting it go. That is a journey we need to travel (Lapsley 2002 cited in Yoder 2005: 45).

Community fieldwork research necessitated the dialogue workshop intervention. The intervention aimed to sensitise the grassroots participants on the merits of letting go the burden of the past. According to the Cure Violence Health Model, community violence can be reduced and eventually cured by diagnosing the causes and symptoms/effects (Cure Violence 2016). Knowledge about the 'violence disease' is imperative in order to cure it. The ultimate goal of enhancing forgiveness is to cure the (violence) disease and prevent recurrence. Therefore, the intervention used the 'Cure Violence Health Model' which uses a medical model, that is, dealing with violence as if it was a disease and, thus, seeking to control and cure diseases by diagnosing the causes and effects of a disease (the violence).

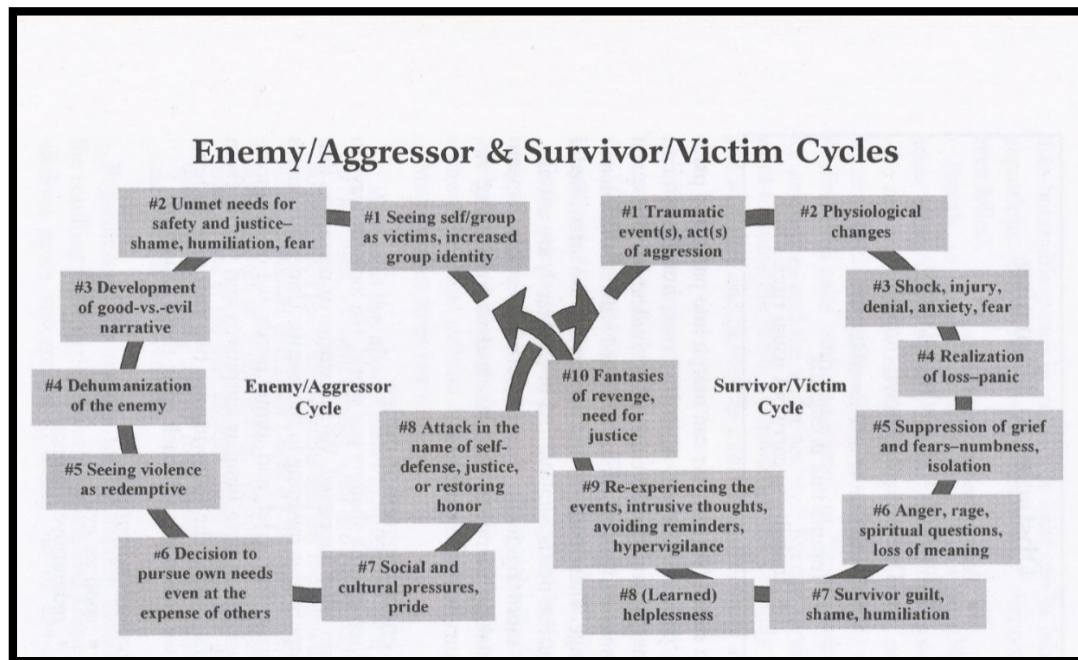
My grassroots experiences confirmed that in the face of injustice, victims/survivors opt for retributive justice. They seek to avenge in order to recover from the loss. The situation was tense and potentially explosive. There was ominous polarisation between the victims/survivors and the alleged perpetrators. The former's agitations have triggered the 'enemy/aggressor and survivor/victims cycles illustrated in Figures 9.9, 9.10 and 9.11 (Botcharova 1998 cited in Yoder 2005:38). The victims' demand for revenge and compensation is not irrational; it is driven by the human instinct to transform grief and loss into gains. The impulse is also rational in that victims have become sceptical about the motivations of restorative programmes (Strang 2013:340). I was convinced to engage the divided community in dialogue. My task was to sensitise the participants to break the deeply entrenched cycles of violence for their own sake. This was my unprecedented opportunity to employ the skills acquired in the Alternatives to Violence Project (AVP) training.

Figure 9.9 Ten stages of the trauma cycle.



The cycle (Figure 9.9) shows how, if unhealed, trauma breeds violence in survivors. The cycle becomes complex as the survivors seek revenge and compensation. As noted Figures 5.4 (a) and (b), intervention

must be timeous. Both the victims and the perpetrators must be convinced that to forgive is to ‘give’ for the sake of their renewed life and the wholeness of the community at large (Bennett 2006:78).



Adapted from Botcharova (1988 cited in Yoder 2005:18)

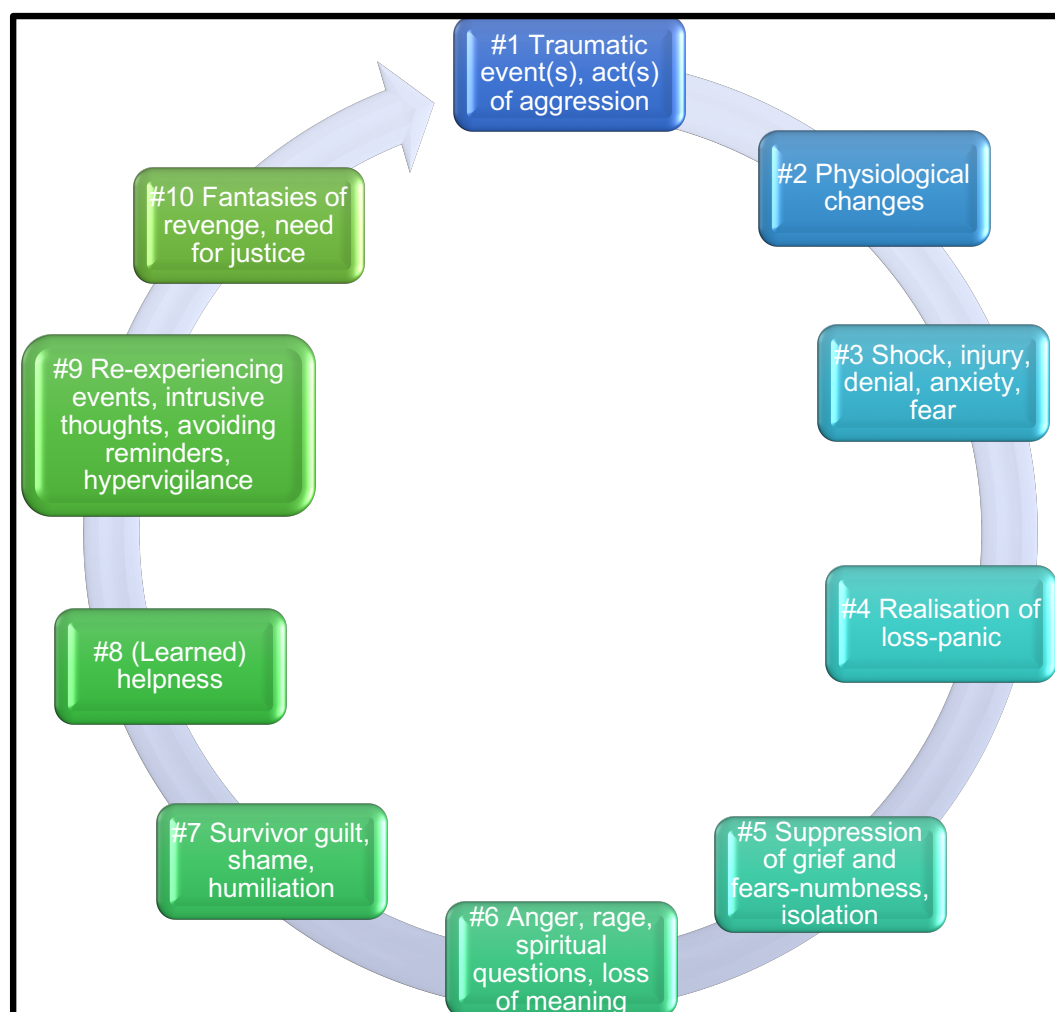


Figure 9.10

Perpetrator and survivor cycles. Adapted from Botcharova (1988 cited in Yoder 2005:38)

Figure 9.10 illustrates the complexity of unhealed trauma. The survivor carries the burdens of the past and visibly nurtures fantasies of revenge justice. The perpetrator endeavours to maintain the status quo. The ultimate outcome is a vicious cycle of direct and indirect violence. Figure 9.11 demonstrates how, through intervention, trauma can be healed.

Sustained dialogue builds relationships in divided societies by enabling ‘people to share personal experiences, perceptions, and beliefs to gain a deeper understanding of the issues’ (Schirch (2004:49-50).

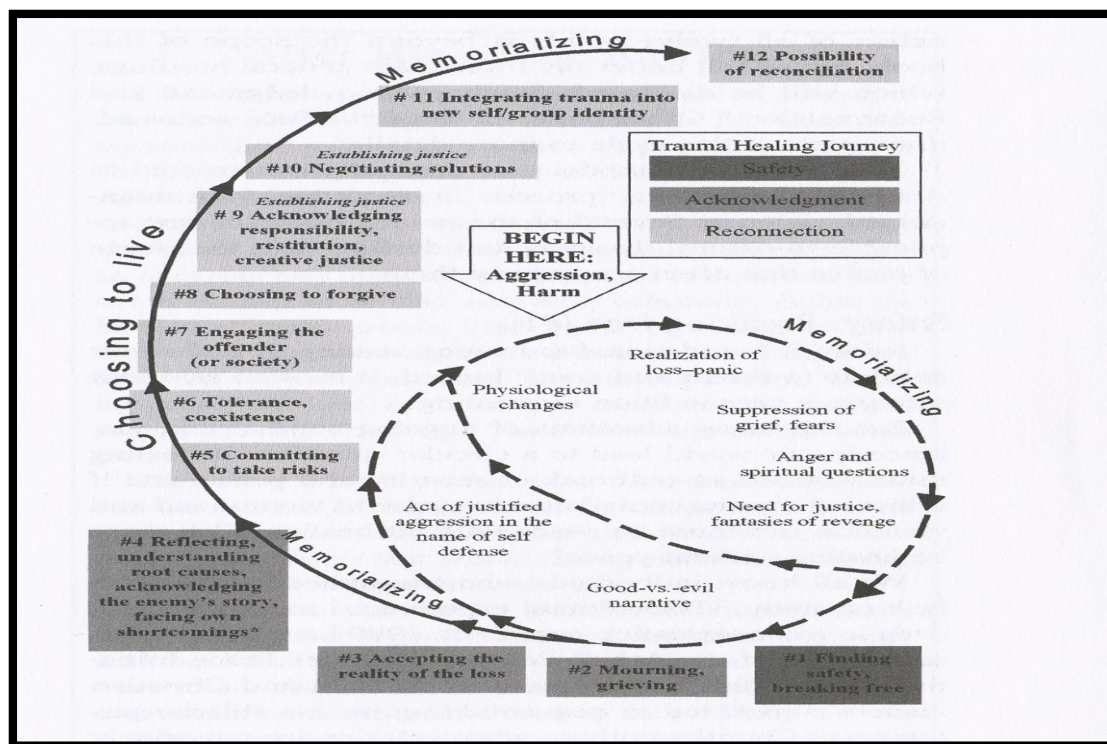


Figure 9.11 Trauma healing. Adapted from Botcharova (1988 cited in Yoder 2005:47)

I deliberately chose the discovery and reflective teaching and learning methods. The following were my motivational catchphrases during the mobilisation stage:

- EGO destroys relationships; let go the 'E' in order to 'GO'
- Failure to forgive people who have hurt us privileges them to occupy 'a rent-free space' on our minds
- Forgiveness empowers the forgiver; it brings freedom, success and happiness
- Say goodbye to stress and welcome happiness
- Make your anger so expensive that no one can afford it
- Speak truth with love; truth builds relations and sets you free (John 8: 32 cited NIV 1973: 743)
- No Cross no Crown; No pain no gain; no labour no pay
- Revenge is sour; it is a weakness and two wrongs do not make a right
- Be the agent of change that you want; the world is a project in which everyone must participate (Joy 2011:19)

The weeklong sessions were initially regarded with scepticism, emotive but ultimately assuring. The sessions began with grassroots consultations and ended with tree planting. The motive was to map the issues at stake in community-based social cohesion, healing and security processes. The symbolic tree planting session was initially never planned; rather it was a by-product of the predominantly participant-centred and discovery methodologies used in the intervention processes. The participants included the traditional leadership, faith-based sects, the school community, the youth, the victims/survivors and the alleged perpetrators. Nineteen participants turned up for the Dialogue Workshop and 12, mainly youth, participated in the tree planting exercise.

The activities included story-telling, testimonies, riddles, proverbs, poetry, teamwork/collaboration, picture/documentary study, question and answer, role-play/simulation, demonstration, bible reading, reflection/meditation, tree planting and poster writing. In addition to the primary target of ‘letting go’ the burden of trauma and revenge, these varied activities also sought to devise violence preventive measures. The intervention programme coincided with the on-going citizen-driven nonviolent advocacy for good governance and social justice in Zimbabwean urban centres. We scheduled the dialogue workshop for Thursday 7 July 2016 since ‘#This Flag Movement’ was calling for a national nonviolent stay away against the Mugabe regime mal-governance on Wednesday 6 July 2016.



Photograph 9.1 The researcher with the traditional leadership: first port of call

In addition to the catch phrases and audio messages, I also used the following images to motivate participants to appreciate the gains of forgiveness.

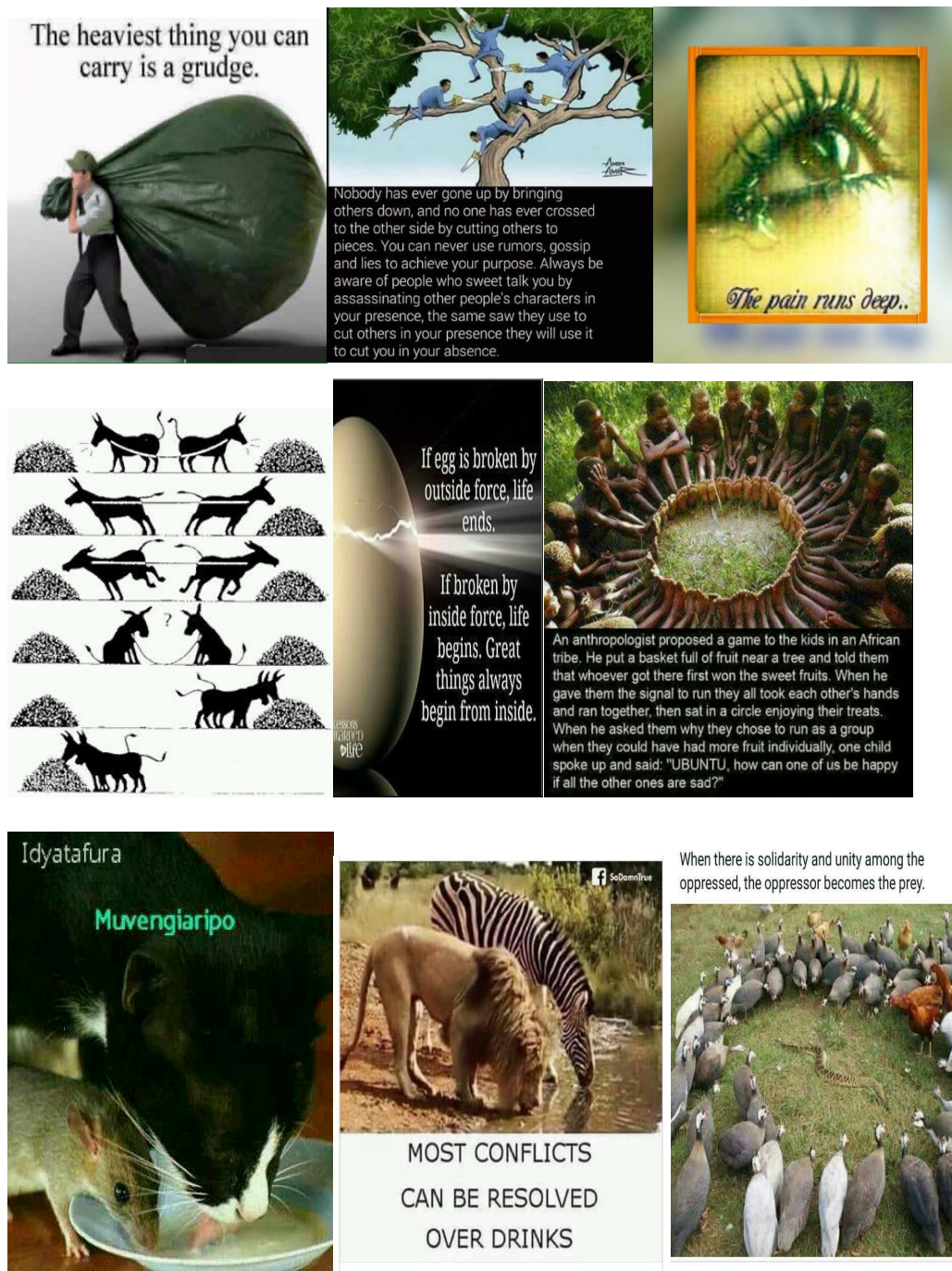


Figure 9.12 Visual teaching and learning aids on forgiveness (adapted from WhatsApp)

9.4 Dialogue Workshop Activities (3-5 July 2016)

9.4.1 Activity: Resource mobilisation, consultation and agenda setting

The programme began with a two-day resource mobilisation and agenda setting exercise. This involved meeting and consulting the would-be participants. I initially hesitated but the risk eventually paid dividends. My port of call was the Sub-chief (*Sadunhu*). In his absence the court messenger (*mupurisa*) advised me to see the concerned Village Head (name withheld). With full permission from the traditional leadership and blessings of the Ward Councillor, I met the local School head and the community. The School head agreed to be the overall facilitator. I pledged airtime and convinced the would-be participants to enhance correspondence by forming a community WhatsApp Group platform. I discovered that the participants knew each other by name, totem and even the family tree. Upon disclosing my *Shumba* (Lion) totem, I was linked to several participants of the same totem and those linked to them in the intricate African relationship web. I was linked to the community in many ways as *mwana* (son), *sekuru* (uncle), *tezvara* (father-in-law), *mukoma/munukuna* (brother) and *muzukuru* (cousin). We agreed to meet at the (torture) base on Thursday 7 July 2016 for the workshop. The workshop theme was: *'Forgiving is not forgetting; it is letting go the hurt'*.

9.5 Dialogue Workshop (Day 4, Thursday 7 July 2016)

The dialogue workshop began at 10:00 am. I pre-ambled the workshop by outlining the objectives:

- To identify common societal values and challenges facing them
- To appreciate the importance of forgiveness
- To assess the role of indigenous knowledge systems in peacebuilding
- To promote societal transformation using local initiatives and resources

I informed them that our programme coincided with the Christian Embassy of Christ's Ambassadors' Forgiveness Day anniversary commemorated on July 7. Key ground rules included respect of each other's views, time management and non-political expressions.⁵

Guided by Lederach's observations that, 'the experience of deep pain, broken relationships, victimisation and violence leaves within us a sense of void, anger and powerlessness' (1997), I implored the participants that forgiving is a difficult but mutually rewarding process. We defined forgiveness as an opportunity to: make things right, let go of grudges and start afresh, forgive and be forgiven, learn

⁵ Only the window came dressed in ZANU-PF regalia.

from our past mistakes, demonstrate mental strength and renew our relationships with both God and humanity.

Opening song (Habakkuk 3: 17-19) Shona version

*Nyangwe mivonde ikarega kuva namavonde
Mivhaini ichirega kuberekawo
Ndicharamba ndichifara ndichifara zvokufara zviya
Kunyanyangwe hwai dzose dzikapera kufa
Matanga emombe achisara asina nechinhu
Ndicharamba ndichifara ndichifara zvokufara zviya
Tenzi Mwari ndiye Muponesi wangu
Anondipa simba, anondichengeta zvakanaka
Minda ikarega kuva kuva nembesa
Ndicharamba ndichifara ndichifara zvokufara zviya
Tenzi Mwari ndiye Muponesi wangu
Anosimbisa tsoka dzangu setsoka dzemhembwe.*

English (New International Version)

Though the fig tree does not bud
And there are no grapes on the vines,
Though the olive crop fails
And the fields produce no food,
Though there are no sheep in the pen
And no cattle in the stalls,
Yet I will rejoice in the Lord
I will be full of joy in my Saviour
The Sovereign Lord is my strength;
He makes my feet like the feet of a deer.

9.6 The Dialogue Workshop Programme (07-07-2016)

THEME: *‘Forgiving is not forgetting; it is letting go the hurt’ (Kanganwiro inobatsira ini kunyanya)*

TIME	ACTIVITY	FACILITATOR
900	1. Arrival	All
1015-1130	2. Lunch	All
1145	3. Assembling at the Base	All
1150-1220	4. Singing and Prayer-cum-benediction Readings. Matthew 5: 38-39 (Teaching about revenge) Psalms 85:10 (Mercy + truth + forgiveness + peace = reconciliation)	Local Pastor
1220-1245	5. Welcome, introductions, programme outline	<i>Sadunhu</i> (Headman) and Researcher
1246 - 1300	6. Opening Remarks	Ward Counsellor
1300-1330	7.Characteristics of a peaceful community	Researcher
1330-1340	8. Entertainment	School head
1345-1355	9. Indigenous knowledge systems – Proverbs, riddles and statements linked to peace and conflict	Group work
1356 -1415	10. Plenary session	Group representatives
1415- 1445	11. Story-telling / testimonies/ poetry	Volunteers
1450-1415	12. Drama – The betrayal, denial and crucifixion of Jesus Role-play/simulation	Church
1520- 1540	13. Self-reflection and meditation	All
1541- 1544	14. Programme review	Time keeper
1545-1610	15. Lessons learnt, evaluation and way forward	All
1611-1615	16. Closing prayer	Youth
1616- 1630	17. Closing remarks, announcements and vote of thanks	Eminent elder

Table 9.5 Dialogue Workshop programme outline



Photograph 9.2 Dialogue Workshop in progress

9.7 Elements of an ideal sovereign African community based on indigenous knowledge systems (Drawn from activities 7, 9 and 10)

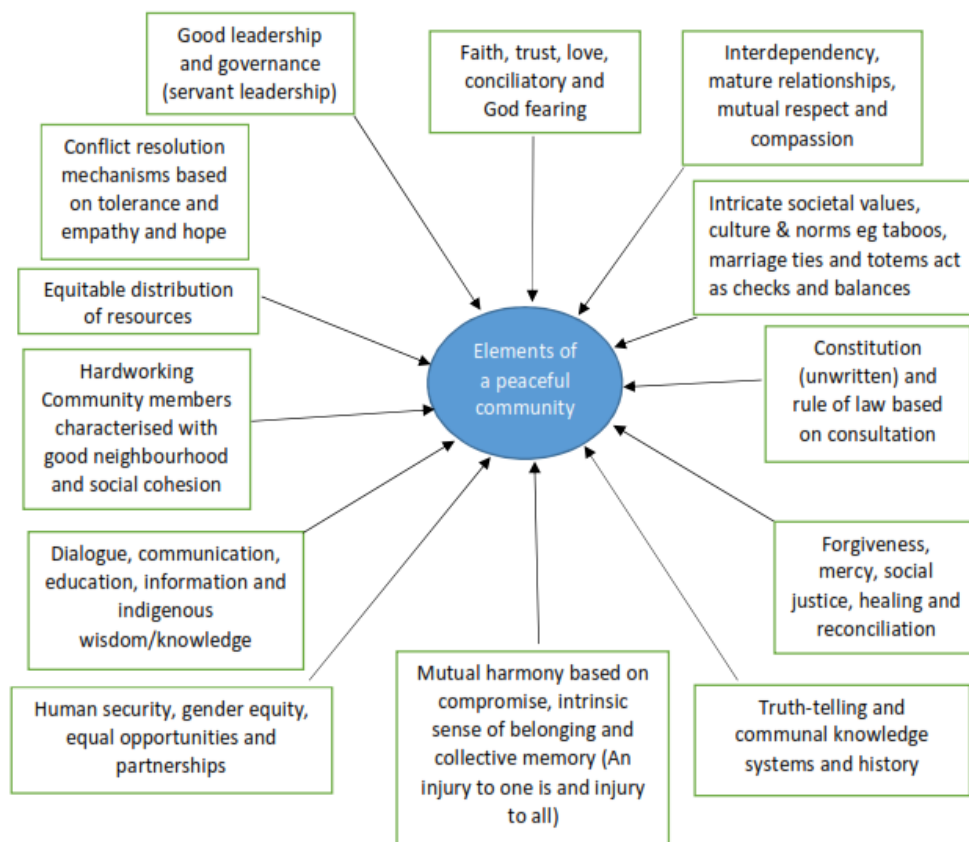


Figure 9.13 Elements of an ideal sovereign African community as defined by its indigenous knowledge systems

9.8 Story-telling

Activities 11 and 12 were initially designed for participants' testimonies and drama respectively. However, the spine-chilling nature of some of the accounts and the time factor compelled us to adjust the role-play methodology. Some of the testimonies were so soul-searching that instead of having the planned-for drama, we agreed to simply read and reflect on the agony of Jesus from betrayal to resurrection. The participants had deep knowledge of this history and could relate to the account.

As the stories were being graphically told, I observed the participants' body language, eye contact, gestures and the general rapport closely. I noticed with concern that one elderly woman continuously fumed, sobbed and fidgeted. I developed an interest in her experiences. Stories were told in both prose and poetry.

9.8.1 Story 1: The Catholic Priest:

Told by the local Catholic Priest. He chronicled the birth, death and resurrection of Jesus as the greatest example of peace, justice and reconciliation. The drama was deferred due to time limits.

9.8.2 Story 2: Victim-turned-perpetrator gets restitution

His story is in the community public domain. As shown in the confirmation letters (Appendix 6) he recovered his ox slaughtered in 2008. The value of this incident will be analysed in Chapter 10.

9.8.3 Story 3: School head

Poem

*Ndiri, nokuti tiri
Munhu munhu navanhu
Ndega ndiri mbimbindoga
Tose tava chikwata
Ndega ndinogona kutaura nokutamba
Asi tose tinokukura nokuwadzana.
Ndega ndinomwerera
Asi tose tinoseka nomufaro.
Ndega ndinozhamba
Asi tose tinochemana
Ndiri zvandiri nokuda kwenyu
Nokuti munhu vanhu
Nyika vanhu
Ndega ndinofamba,
Asi tose tinomhanya
Ndega ndinozvivaraidza
Asi tose tinotandara tichitamba nokupangana mazano
Ndega ndinofambisa parwendo
Asi tinosvika kure kana tiri tose
Ndega handikombi churu
Asi tose tinokomba gomo
Saka ndikakuregerera ndazviregerera
Chigumbu chinodya mwene wacho*

English (We are nothing without each other)
No community no school
No man is an island
One is a lone ranger, together is company
I can speak, together we talk
I can smile, together we laugh
I can rejoice, together we celebrate
I can cry, together we mourn
I can relax, together we chat
I can meditate, together we brainstorm
I can achieve, together we conquer
I can walk fast, together we run

I can get there, together we get further

9.8.4 Story 4: The war veteran

The war veteran's story was met with howls of disapproval from the audience. He introduced himself with his *nom de guerre* and chanted a ZANU-PF slogan once, before the School head reminded him of the ground rules. He chronicled the horrors of the liberation struggle and the benevolent policy of reconciliation proclaimed at independence. He implored participants to be patriotic and loyal to ZANU-PF. He deplored opposition parties and nongovernmental organisations for fronting external interests.

The participants were visibly agitated but not cowed into silence. The village head restored order but this became the anti-climax. The widow had not told her story. I was advised to seek her audience on another day. I complied, though I wished her testimony was heard in public. I wanted to verify what I had heard during the qualitative interviews. Nevertheless, I got solace from the fact that divergence of opinion helps people to 'gain a greater appreciation for the complexity of conflicts' thereby leading 'to greater ownership and the capacity to address the structural dimensions of the conflict' (Saunders 1999 cited in Schirch 2005:50). The impasse gave me an unprecedented opportunity to share with the participants, the dangers of unforgiveness explained in the rotting tomatoes story in chapter 3. I engaged the alleged perpetrator and the widow in one-on-one interviews, a fortnight after the dialogue workshop.

9.8.5 The widow's 'untold' story

I paid a courtesy visit to the widow's homestead after a fortnight. As part of the preparations, I clarified to the village head why I wanted to talk to both the widow and the war veteran. After long greetings and familiarisation rituals, I introduced the purpose of my visit. She gave me a warm welcome. Her story was in the public domain. I had heard the story during qualitative interviewing. She narrated how she and her late husband of Malawian origin had settled in this village after being displaced from a commercial White-owned farm at the peak of the Fast Track Land Reform Programme in 2000. She rued why her only son became an MDC-T activist. He was ambushed and abducted together with his wife at night a week before the June 27, 2008 Presidential run-off. Photograph 9.3 is what remains of the son's homestead. The couple had evaded their attackers for a week since the establishment of the torture base. But they ran out of luck one night when they came back for food provisions. Their bruised bodies were paraded at the torture base as warning to all would-be 'sell outs.' They were detained at the local clinic which was also used as a detention camp for political victims. They were among the several death casualties in the ward. No police reports were made. Villagers detained at the torture base buried the victims in the community cemetery at night. Their graves were unmarked and mourning was not prohibited.

The village is awash with stories about avenging spirits. The widow confided that known perpetrators have tried in vain to engage both traditional and faith healers. She professed that avenging spirits have to be appeased as per tradition, which involves all stakeholders. She pleaded that there are no shortcuts to abate vengeful spirits; the perpetrators have to come out in the open, confess and pay restitution. She underlined that, *Mhosva hairovi uye mushonga wengozi kuripa* (The evils of the past cannot be wished away; they have to be confronted and accounted for). She confided that her grandson (14) and granddaughter (12) pester her everyday about the fate of their parents. ‘I am too old and stressed up but the Lord will provide. That is my story my son.’ After a long pause, I quizzed her why she defied the dress code and put on ZANU-PF regalia. Her response was even more astonishing; that it guarantees personal security.



Photograph 9.3 The widow’s son’s deserted homestead

9.9 Follow-up interviews with the alleged perpetrator

I interviewed the widow and the community-based war veteran after the dialogue workshop. My objective with the latter was to enlist him as the liberation war history resource person. He was non-vindictive, but, initially evasive and sceptical. I assured him of full ethical considerations, outlined the interview objectives and re-lived the positive outcomes of the dialogue workshop such as the Peace Garden and the WhatsApp Group. He eventually opened up and underlined the need for confidentiality and a ‘token’ of appreciation. He chronicled colonial injustices which prompted the rise of mass nationalism, but was ostensibly evasive on the post-colonial follies. He, however, blamed the 1980

transition for not taking the new nation State from the dark shadows of the war into a new era. He regretted not having been integrated into the national army because he was among those who did pay heed to go into Assembly Points. They feared repression. He lamented that:

Nyika yaida kupomhodzwa namadiramhamba pa independence. Midzimu yenyika yaida kutendwa kuti hondo yaperera. (There was dire need in 1980 to perform traditional thanksgiving rituals. The war mentality was not addressed at independence. Most people still live in the bush.

It was assuring to hear the former freedom fighter acknowledging that the failure to deliberately bring closure to the colonial and Chimurenga II is largely to blame for the challenges facing post-colonial Zimbabwe. He confided that the former fighters are a ‘reserve army.’

He turned down my proposal that we design a programme to educate the community on possible solutions to challenges facing them and quizzed me as to why there is so much interest in peace and conflict studies in Zimbabwe. His excuse was that his superiors had to be consulted. He also confessed ignorance about the recent call by Zimbabwean War Veterans to respect democratic practices. He also dismissed allegations that he masterminded gross human rights’ violations in the community ranging from torture, rape, and murder as well as denying food aid and farming inputs to perceived non-ZANU-PF activists. Instead, he blamed ‘undisciplined’ youth from other wards. He also blamed some local ‘conflict entrepreneurs’ for taking advantage of the situation to settle deep-seated grudges while others were driven by sheer jealousy or drug influence.

He, however, justified the June 2008 political violence as ‘a response to provocation.’ He said, *Yaiva hondo*. (Our sovereignty was at stake). He, however, confided that avenging spirits torment individuals and not ZANU-PF. He admitted that violation of the core values of the community, even by an individual, can cast misfortunes on the entire community. This afforded me an opportunity to broaden the scope of the discussion.

We discussed the challenges in Zimbabwe, including the ZANU-PF factionalism and the War Veterans’ Communiqué of July 22, 2016. He was not aware of the latter, which explicitly explores the way forward on Zimbabwe’s socio-economic and leadership crisis. The communiqué seeks the way forward on ZANU-PF’s dismal failure to address national grievances, disregard for the core objectives of the liberation struggle, constitutionalism and the rule of law (*Zimbabwe Independent* 2016). He was visibly bemused by the communiqué. We even discussed how political parties can manipulate impressionable grassroots communities for political expediency. I convinced him that freedom fighters sacrificed their lives in order to create space and opportunities for everyone and that the ‘One Man One Vote’ has turned out to be ‘One Man To Be Voted for.’ I also intimated to him that sovereignty is not all about

winning political power, but satisfying the needs of all citizens, especially the young. We agreed elections are a nonviolent way of deciding our future and that using violence against opposition parties fuels more violence. To me the interaction was fruitful. We forged a working relationship. It was a learning curve; engaging perceived perpetrators in dialogue is a worthy risk. After all, they are also human. I noticed that they are equally vulnerable and victims of circumstances.

My interaction with the war veteran taught me a number of lessons. If restorative justice facilities are guaranteed, perpetrators are capable of making confessions and start afresh. If they are rehabilitated and economically empowered, they can reintegrate into the society and lead normal lives. Societies must be ready to engage their perpetrators so that they can also learn the value of righteousness.

9.10 Why forgiveness is necessary

The following diagrams were drawn from indigenous knowledge systems; lessons learnt from the workshop and best (forgiveness) practices. Figures 9.14 and 9.15 show why forgiveness is necessary and the futility of revenge/retribution respectively.

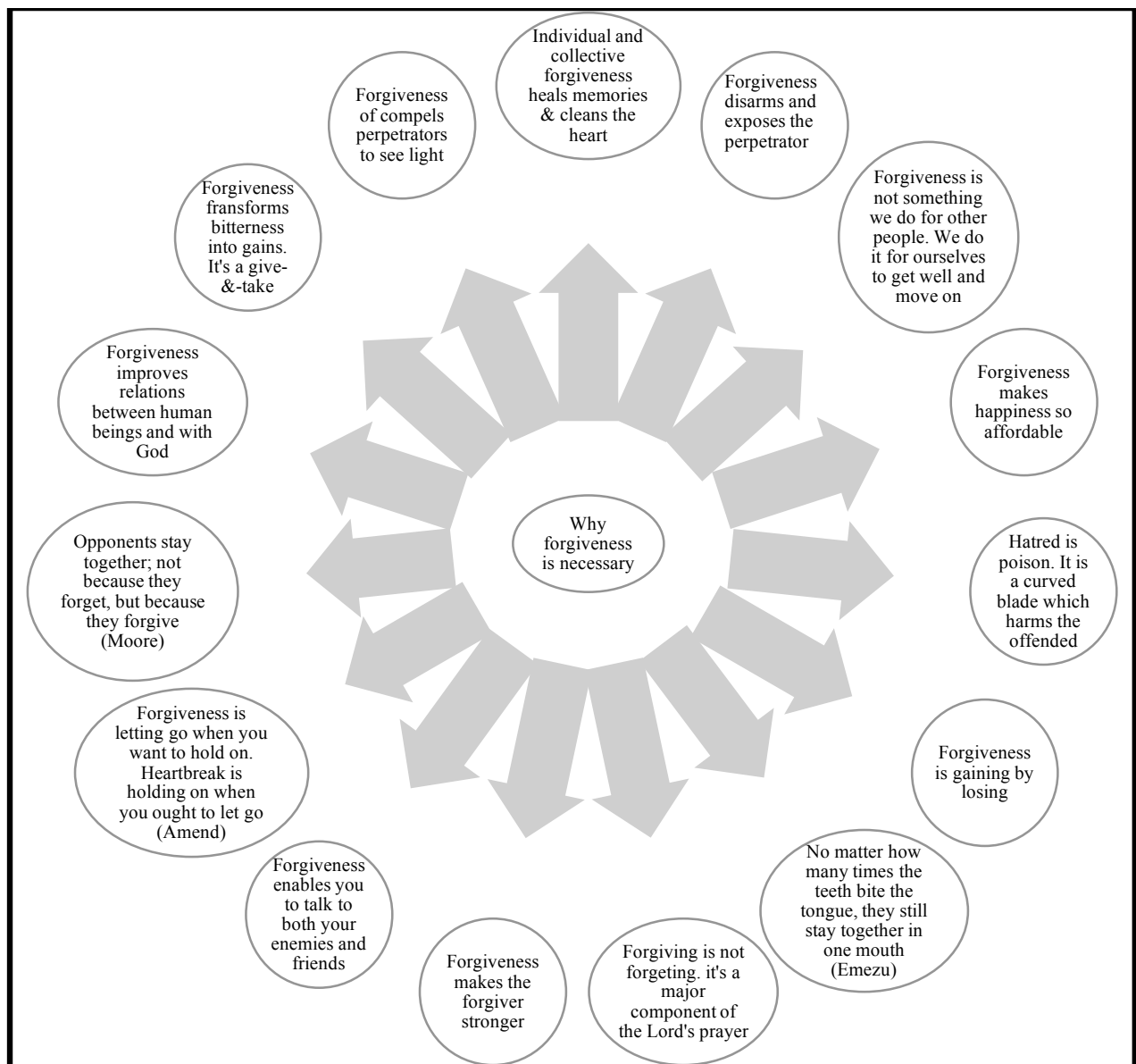


Figure 9.14 Justification for forgiveness. Compiled from participants' experiences and testimonies

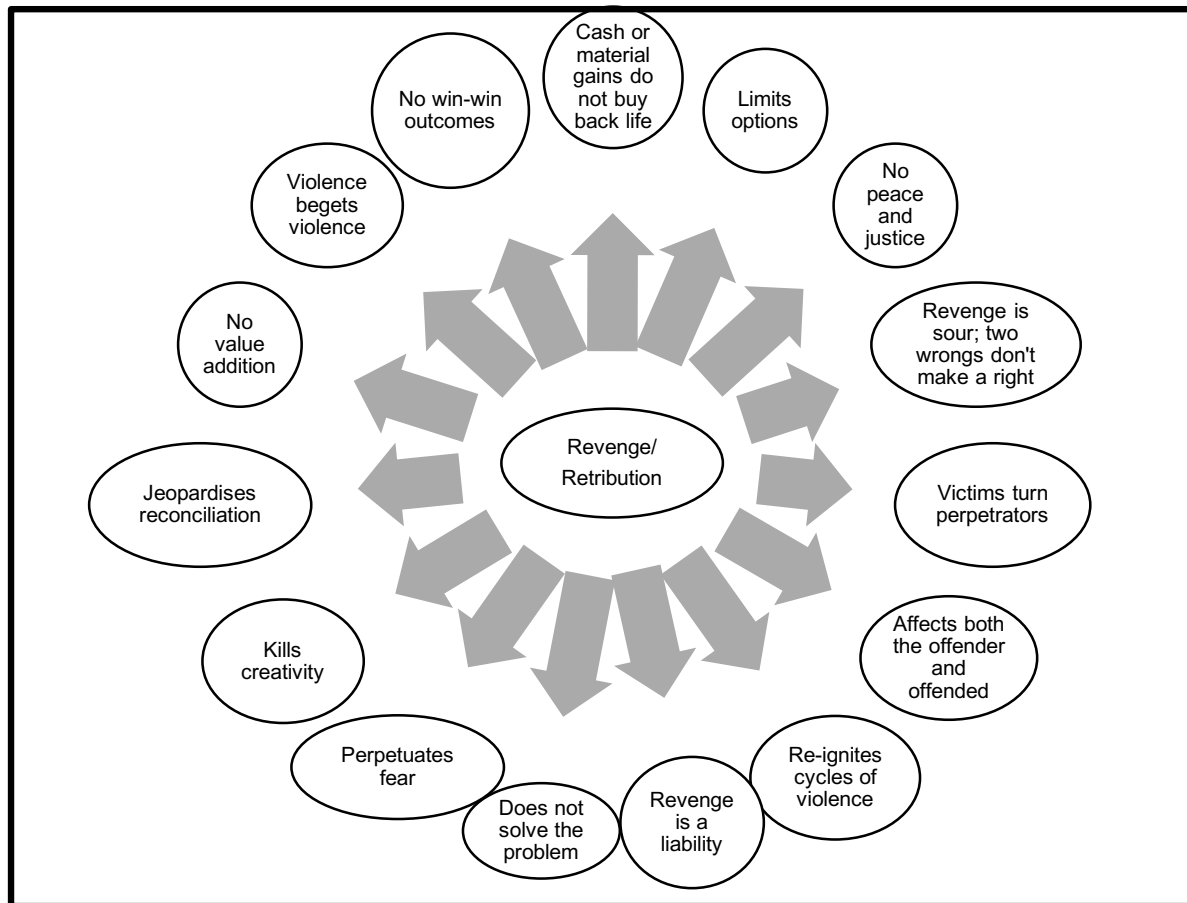


Figure 9.15 The futility of revenge and retribution

9.11 Lessons learned from the Dialogue Workshop (Activity 15)

- Jesus was betrayed by Judas Iscariot, a disciple very close to him.
- Peter, the assumed leader of the twelve disciples of Jesus publicly denied and disowned him thrice.
- Political leaders can kill for power; both Emperor Pontius Pilate and King Herod found Jesus innocent but brutalised him and crucified him to please the masses.
- No Cross, no Crown. No pain, no gain. In pursuit of Lordship, Jesus endured the agony of humiliation and death.
- Jesus teaches us about unconditional forgiving of tormentors (Matthew 5:38-39; Luke 23: 34).
- The New Testament focuses on peace and justice through repentance, mercy, forgiveness and reconciliation.
- Forgiveness is a personal choice; it liberates the forgiver and disarms the perpetrator.
- Persecution should strengthen rather than deter advocates of justice.
- Forgiveness is an attribute of the strong not the weak; it is a process and not an event.
- Forgiveness strengthens one's relationship with both God and fellow human beings.

- Forgiveness is salient in the Lord's Prayer: 'Forgive us our trespasses, as we forgive those who trespass against us' (Luke 11:4 NIV 1973: 722).

9.12 Tree planting (Day 2, Activity 5)

The tree planting activity on Friday 8 July 2016 was a by-product of the dialogue workshop. I noticed during the planning stages of the workshop that the community treasures both indigenous and exotic trees. The workshop was conducted under an indigenous tree and the planted trees within the vicinity manifested the community's deliberate efforts to be at peace with nature. The tree planting idea was bolstered by the victim-turned-perpetrator's cutting down of three trees at the Sub-chief's orchard as a way of remonstrating his anger. This is embedded in the local proverb which says, *Chinokanganwa idemo, kwete muti* (The axe forgets but not the tree). The participants acknowledged that trees and plants in general have varying symbolic values to humanity.

When the idea of tree planting was mooted, participants pointed out the obvious benefits such as fruits, shade, shelter, beauty, herbs, firewood, poles, oxygen and sacred rituals. It was pointed out that the tree planting project would replenish the natural forests depleted by the increased demand for firewood. Symbolic purposes of trees were also deduced; that the regeneration and blossoming of green shoots and leaves after severe calamities like drought, fire and other human-linked deforestation activities resembles the human ability to rehabilitate and recover after unprecedented violence. The cycle of shedding leaves during harsh conditions and regaining life when conditions slightly improve, symbolises that, through forgiveness (and justice) working relations can be restored amongst erstwhile sworn enemies.

The importance of trees can be traced to Genesis 1:11-13; 2:9 when vegetation of various species (including the tree of life) was created to beautify the land and bear fruit. We acknowledged that God bestowed the beautiful Garden of Eden to Adam and Eve out of love for humanity. The Garden of Eden symbolises humanity's dominion over both flora and fauna. It symbolises new life full of abundance and purity. It also dawned on me why tree planting has become a common practice with most religious rituals, both traditional and Christian. Notwithstanding the noted merits of trees, there was no immediate consensus on the name of the proposed garden, the site and the type of trees to be planted. Realising that this was a watershed opportunity to make a life changing impact, I immediately volunteered to procure grafted trees prescribed by the participants and appealed for labour. The name of the plantation *Kunzwa Nokuita* Peace Garden (Walk the Peace Talk) was derived from the general consensus that there be no recurrence of violence in future.

The school authorities offered the garden space near the school library. The youth were seconded to plant the trees but nurturing them would be a collective community responsibility. To me, such community synergies and shared vision shows the community potential to foster and sustain home-grown peacebuilding initiatives. The very fact that the community can interact and talk over common challenges and opportunities is a step in the right direction. The participants' eventual compromise on the tree planting activity can be viewed as a collective way of restoring community harmony symbolised by the Garden of Eden. The diverse species of plants prescribed symbolised the importance of unity in diversity.

The idea of collective tree planting was new to the community. One participant impressed upon the group that the tree planting initiative by a local funeral company was received with mixed feelings because the community lacked adequate education pertaining to the symbolic value of tree planting.

One major lesson I learnt from the tree planting agenda was that there should be ample time to prepare and plan community-based programmes. The planting activity was smooth sailing. The school offered to nurture the trees. I, however, had reservations: the entire community and I were supposed to collectively nurse the peace garden. I impressed upon the tree planting participants that the most critical moment is the nurturing of the tender plants till they bear the desired fruits. A WhatsApp chat platform was agreed upon and I was expected to honour my promise to provide inputs like airtime for the participants and chemicals for the nascent plants. The community would nurture the garden. Unbeknown to me, the tree planting team were privy to deeper rituals and cultural attachment to trees. The sub-chief's daughter had to plant the first tree to symbolise fertility and from the tree list given, she had to plant the *Mubveve* (Sausage) Tree. The participants educated me that in addition to shade and food value, the *Mubveve* Tree has several other functions such as honey-making nectar, warding off whirlwinds and ensuring crop and human fertility. Some of the pictures of the tree planting occasion are shown below.



Photographs 9.4 (a) and (b) The tree planting sessions



Photograph 9.5 The Tree planting occasion banner

9.13 Summary

This chapter presented quantitative and qualitative research findings. The data was presented in tables, pie charts, bar graphs and diagrams. The dialogue intervention workshop and the tree planting exercise provided me with an action research dimension. I used my Alternatives to Violence Project skills to design a participatory and problem-solving programme. The intervention enabled the divided community to engage in dialogue on issues that directly affect them. I learnt that, given the State and non-State actors' top-bottom approaches, local communities can maximise their common values in pursuit of social justice. The intervention was a learning experience. I learnt that in as much as the State has the constitutional mandate to, inter-alia, ensure every citizen's security and equitable access to opportunities, local communities actually do have the capacity to effectively deal with emerging problems and even work out sustainable preventive mechanisms. This phenomenal as yet untapped

resource must be mobilised to the maximum capacity to help heal and transform Zimbabwe. The next chapter focuses on data analysis and interpretation of the research findings.

Chapter 10: Data analysis and interpretation

10.0 Introduction

This chapter focuses on analysis and interpretation of the research findings presented in the previous chapter. The analysis is based on themes derived from the research objectives summarised as: the nature, extent, causes and effects of political violence in Zimbabwe, transitional justice options for Zimbabwe, the stakeholders and their roles, and measures to sustain peace and justice.

The chapter links the generated data with the research topic, the research questions and objectives, the theoretical framework, the reviewed literature and the methodology. The imminent strength of this research is the painstaking but, worthwhile community intervention experience. It bestowed upon me the roles of a peacebuilder, a researcher and a counsellor. Interacting with such diverse participants broadened my understanding of the issues at stake.

10.1 Gender dynamics and age ranges in peacebuilding

Information gleaned via the questionnaires on informants' gender and age ranges (Figures 9.1 and 9.2) was motivated by objective 1 which sought to establish the nature, extent, causes and effects of political violence in Zimbabwe. The relevance of this information in peacebuilding studies cannot be underestimated.

10.1.1 Gender dynamics in peacebuilding

Gendered approaches are now vogue in peacebuilding processes. According to Annan (2002), 'The world can no longer afford to neglect the abuses to which women and girls are subjected to in armed conflict and its aftermath, or to ignore the contributions that women make to the search for peace.' The motive to give women a voice in peacebuilding was informed by the fact that, 'Sustainable peace and security will not be achieved without their full and equal participation' (Annan 2002). Notwithstanding these sterling gender mainstreaming efforts, gender justice has remained contested, during and after a crisis. Klot (2007:1) has shown that women have 'perilously little protection' during a crisis or 'access to services, justice, economic security or citizenship.' The use of sexual abuse as a political tool is prevalent in Zimbabwe, as it has been in other conflict-ridden areas, such as the previous Yugoslavia and the currently war-torn DRC. (Sachikonye 2011). Women in Zimbabwe are subjected to physical, structural and cultural violence, but no woman dared to testify her experiences during the intervention workshop. Sadly, silence nurtures violence and impunity.

Gender mainstreaming gives women a much-needed voice on issues that affect the general wellbeing of the entire community. In addition, by the nature of their vulnerability to the vagaries of violence,

African women agitate for an action-oriented agenda. Shona women are customarily not at liberty to divulge even domestic abuse, but they can openly discuss the challenges facing the entire community. The Shona culture dictates that instead of ‘washing their dirty linen in public’, women must endure the agony of abuse in silence. Sexual violation is too sensitive a topic in African communities. It is a taboo for women in particular, to share personal sexual abuse with the entire community, lest one is further derided and stigmatised (Mungazi 1996). Such secondary victimisation can cause marriage break ups, public ridicule and societal rejection (CCJP 2009). The failure by women to recount the cases of sexual violence documented during both the data collection and intervention consultations was baffling. I recorded fifteen cases of rape, but none was accounted for during the dialogue workshop. I, therefore, recommend that relevant civil society organisations must devise interventions that deal specifically with gender justice.

On a positive note, the name *Kunzwa Nokuita* (Walk the Talk) Peace Garden established as a by-product of the dialogue intervention workshop was coined by a female participant. Gender mainstreaming must continue to bear fruits and influence grassroots policymaking processes.

10.1.2 The age factor in peacebuilding

Information about the participants’ age was collected in order to assess the relationship between age and conflict trends. The information was later used to establish the causes of the conflicts (Objective 1) and to determine the intervention strategies. All the questionnaire participants were below 48 years of age. This information is very important in determining possible behaviour change and choices. This presumably productive age range has the option to choose between violence and nonviolence. But, as noted by Msipa (2015), the unprecedented levels of poverty and unemployment in Zimbabwe tempt this impressionable and gullible age group to fall prey to political manipulation. Instead of harnessing the group’s abundant energy potential, unscrupulous politicians exploit their vulnerability and use them as cannon fodder in the predominantly volatile political terrain. It is worrying to note that even the incentives pledged are either unfulfilled or not sustainable. Party regalia and food handouts are not life sustaining. Moreover, the vague definition of the youth age range deepens the controversy, as all the unemployed can be so gullible and readily used by politicians as agents of violence.

This prime age group must be developed into productive human resources. Formal education can capacitate them to nurture a culture of tolerance and dialogue. I observed during the workshop and tree-planting exercise that engaging the youth in sustainable community projects can yield sustainable outcomes. I shared with the youth, the assertion that, ‘Zimbabwe does not belong to us, it is loaned to us by future generations and thus we should leave it in a better place for them’ (Banana 1989). We

resolved to meet on National Tree Planting Day at our Peace Garden to braai and play interactive indoor games.

10.2 Trends of political violence noted

Information on the nature and forms of violence (Objective 1) is critical in pursuit of the victim-perpetrator identity and mapping the appropriate interventions. It is also convenient to compile the victim-perpetrator profiles and the nature/forms, extent, causes and effects of violence at community level. This confirms the UN advocacy approach that more resources should be spent on prevention rather than on the late causes of the conflict. For the UN, ‘there is no higher goal, no deeper commitment and no greater ambition than preventing armed conflict’ (Annan 1997).

I used Galtung’s Triangle of Violence Model to map the political violence trends in independent Zimbabwe. Galtung’s Triangle of Violence (Figure 5.1) classifies forms of violence into visible (physical) and invisible (structural and cultural). The research findings were tally with Galtung’s model. Physical and structural violence is, however, more prevalent than cultural violence. The overall picture shows that the entire sampled rural community is afflicted by politically motivated violence in one way or another. It was noted that the word ‘elections’ has become synonymous with violence and impunity. The overall frequency of 24 (88.8%) shown in Figure 9.3 confirms the high incidence of political violence in Zimbabwe shown in Table 5.2 and Appendix 5.

The rural community urgently needs interventions to initiate healing and reconciliation processes. Both victims/survivors and perpetrators need urgent rehabilitation. The former pleaded that justice be done and peace achieved in their lifetime. They were however sceptical about the government’s good will in abating political violence and impunity. Their appeal for inputs to invest in income generating projects shows that they have the will and the hope to restore their livelihoods. The transitional justice proposed by both the urban and rural samples (Figure 9.4) shows that the Zimbabwean citizens need to deal with the politically motivated problems facing them.

10.3 The victim-perpetrator identity factor in peacebuilding

We must ever be courteous and patient with those who do not see eye to eye with us. We must resolutely refuse to consider our opponents as enemies’ (Mahatma Gandhi).

The imminent strength of this research was its ability to identify the conflicting parties in a rural community and the efforts to rebuild trust between them through engagement and interactive dialogue. As noted in Figure 4.3, reconciliation should be between the parties in dispute. This fulfils Tutu’s legendary advice that ‘If you want peace, talk to your enemies and not your friends’ (1999). Drawing from their rich indigenous knowledge systems such as imagery, idioms, proverbs and metaphors, I

impressed upon the dialogue workshop participants that dwelling on the past takes away today's peace and not tomorrow's troubles. The participant-centred approaches are effective because they enhance local ownership and maximises local resources.

The victim-perpetrator identity should not be meant to name and shame, but to understand the forms, extent, causes and effects of political violence, and guides in the intervention and transformation processes (Galtung 2004). The research established that there is a nexus between the victim-perpetrator identity and violence. The fact that 80% of the questionnaire participants claimed to know the identity of the alleged perpetrators in the rural community shows the extent of the violence and impunity (Figure 9.4).

The victim-perpetrator divide was conspicuous; victims labelled their tormentors '*Green bombers*' or '*Border Gezi*' (ZANU-PF militia) while the alleged perpetrators labelled their victims '*vatengesi*' (sell-outs). Labelling leads to prejudice and group identity based on stereotyping. Ironically, this 'us-them' divide can only be healed through engagement and insightful dialogue between the disputants (Lederach 1997). Therefore, dialogue enhances interactive skills such as teamwork, networking and communication.

Knowing the perpetrator-victim identity is a stepping stone in conflict transformation. It enables people to make informed choices. The dialogue demonstrated Chinua Achebe's philosophy that togetherness yields power and dialogue reduces the distance between people. Achebe (1958:125) urges people to 'find time to come together physically and enjoy the power of togetherness' and '... smile not because we don't have problems but because we are stronger than he problems.' The ultimate motive is to cultivate the 'Do unto me as you wish me to do to unto you' spirit (Luke 6: 31 cited in NIV 1973:716).

As per our ground rules, there was to be no naming and shaming. In his extensive reference to the Bible, the Priest underlined the merits of good neighbourliness and defined the Lord's Ten Commandments not as burdensome, but an expression of God's love. As summarised in the golden rule: 'Love your neighbour as yourself' (Luke 10:27 cited in NIV 1993:721), the Ten Commandments underscore the importance of tolerance, pluralism and restorative justice. Human beings must therefore draw strength from their diversity. Of course, the Shona believe that *Zino irema* (Smiles belie anger), but, direct eye conduct and a firm handshake enhances empathy. It was thought-provoking to hear participants reflecting that offenders should actively contribute towards restoring the social fabric and repairing broken relationships.

10.3.1 The ‘us-them’ divide as an entry point

The victim-perpetrator divide seemed irreconcilable as the former persistently demanded retributive justice. The atmosphere was emotionally charged and seemingly impossible. Neutrality was not easy; I was naturally overwhelmed by emotions. Ironically, the identity of the disputants helped me to determine the entry points and design the intervention strategies. Upon noticing that participants with the same fate were forming their own camp, I quickly I intervened and urged them to resist the temptation of retaliation. This ‘eye for an eye,’ as Gandhi calls it, is retrogressive because it is bound to make the whole world blind. Since violence breeds more violence, victims should ironically respond to hate with love in order to win over their opponents. As ministered by the reigning Pope, Francis I (2016 cited in *Foxnews* 2016), ‘When the temptation to turn inwards on self or to respond to hatred with hatred and to violence with violence is great, authentic conversion of the heart is needed.’ This seems easier said than done, but it is possible and sustainable.

Information is power: the mere identification of the alleged perpetrators can also forewarn and forearm survivors. The victim-perpetrator divide is invariably characterised by polarisation, hatred and even cycles of violence. Therefore, if not timeously abated, this hostility fuels mutual tensions, leading to further mistrust and conspiracy. When victims dare to overcome their victimhood, and seek revenge, compensation or restitution, the alleged perpetrators naturally resist, in order to safeguard their hegemony (Galtung 1996). This scenario prompted me to devise a dialogue intervention workshop to try and find common ground between the disputants. The alleged perpetrators’ desire to maintain the status quo is not irrational; there is a values’ connection between individuals and societal transformation (Joy 2011:28). The dichotomy between the individual and collective values becomes insignificant in times of societal disharmony ‘The more we seize the nonviolent moments in our lives, the more we are transformed by them. And the more we experience the power of non-violence within ourselves, the more we believe in the potential to transform the world’ (Small 2015).

Participants complained that even medical centres demanded police reports from victims. Police reports cannot be easily secured; the cases are either dismissed as ‘political’ or the victims became the accused. Given the alleged ruling ZANU-PF’s complicity in the political violence, community-driven initiatives are a better option. Grassroots communities are fully aware that violence is indiscriminate. Of grave concern is the fact that, as noted in chapter 5, ZANU-PF no longer perceived violence as a moral problem, but rather as a survival tool.

The rural community under study has, as part of its collective history, unaddressed narratives of the horrors of the liberation war. I strongly pleaded with the participants that, in as much as they feel entitled to compensation, the issue is complex. Reparations have to be based on truth recovery or prosecutions

otherwise the whole process would be a farce. I warned that under the current circumstances, prosecutions are impossible and that punishing a few alleged perpetrators amounts to revenge. Moreover, truth recovery without restorative measures may not influence the desired behaviour change. Participants appreciated my plea that monetary compensation may translate into silence buying, thereby leading to a dependency syndrome. The prominent elder confirmed Collier and Hoeffler's greedy theory (discussed in chapter 7) as the prime motivator of the perpetrators. He reiterated the popular narrative that politicians exploit the vulnerable youth for political expediency. I recommend that the relevant stakeholders must collaborate in community capacity building.

10.3.2 Conflict as an opportunity for growth

Violence and conflict are different phenomena. As noted in Galtung's Triangle of Violence (2004), physical, structural and cultural violence are caused by actions, attitudes, words or systems. On the contrary, conflict is a fact of life because it is relational and manifests when interests and goals seem incompatible (Fisher *et al.* 2000:6). Engaging disputants in dialogue can, therefore, create opportunities 'for inner growth and personal transformation' (Johnstone and Van Ness 2007:14). Ironically, conflicts necessitate interactive dialogue over critical issues.

The public disclosures were phenomenal. The survivors' testimonies were positive in many ways. First and foremost, the victims broke the culture of silence and fear by sharing their experiences. Breaking the silence is a critical step in true peacebuilding (CCJP 1997). The value of moving from underground whispers and withdrawal goes beyond public narratives and recognition. The unanimous disapproval of the war veteran's intent on silencing dissenting voices shows that the community knows the tormentors and expect them to use such opportunities to account for their actions and seek forgiveness. Courage, as noted by Mandela (1999) is not the absence of fear but triumph over it. Secondly, the rare unanimity signifies unity of purpose. This motivates the disputants to seek common ground (Rylander 2008). Thirdly, as expressed in the local proverb *Gudo hariramwirwi munda* (Never give up), the offended must stand up and hold the offender accountable.

Conflict transformation is therefore a painstaking process. There is initial lack of consensus which energises participants to reflect and generate new knowledge on the issues at stake (Lederach 1997). This is possible because truth, the much sought after, but ever elusive phenomenon, must be recovered. The participants' testimony that *rinamanyanga hariputirwi* (truth prevails) underlines that Africans have a culture of storytelling.

Insightful engagement also determines how disputants should interact and dialogue (Armstrong 2011). If sustained, the culture of dialogue can be the starting point in the search for common ground. Under

the current Zimbabwean context, Tutu's four stages of reconciliation, namely: acknowledgement and accountability, testimonies, mutual forgiveness and renewal of relationships (1998), seem difficult but possible. These conditions should, however, not overshadow other priorities such as trauma healing and collective security. Psycho-social support is imperative, since trauma and violence are integrally linked. Violence breeds trauma and unhealed trauma breeds more violence and insecurity. Nevertheless, under the current circumstances, mere acknowledgement can go a long way in pacifying the tension. It is indeed, cost effective for conflicted communities to prioritise both individual and community security, rather than compete for influence. Awareness of early warning signs and preventive measures such as whistleblowing should be ongoing processes.

I established that, notwithstanding the diversity, collective indigenous knowledge systems such as *chigarisano* (neighbourliness) and shared values bind communities together. Collective stewardship of core values and a sense of belonging promotes mutual community interdependence. Shona communities believe that, *Mvura bvongodzani ndiyo garani* (troubled waters will soon clear). This is a testament that violence is not a fact of life. These core values should motivate the disputants to find each other.

Overall, collective indigenous knowledge systems foster restorative processes. Indigenous knowledge systems such as *Matanda makuru masairirwa* (endurance pays), *Chivi chinodya mwene wacho* (sin consumes the offender) and *Chitema hachidzorwi* (Take no offense at your offenders) underscore the need for willpower when dealing with seeming impossible situations. Fanon's clinical observation that perpetrators fall prey to their own vice confirms that the wages of sin are not sustainable. From the participants' input, I compiled the advantages of forgiveness and disadvantages of revenge (Figures 9.14 and 9.15).

10.3.3 The community's potential to find common ground

This sub-section partly explores how Zimbabwe can move away from a culture of violence and impunity to a culture of peace and social justice (Objective 2). I maximised the participants' commitment to the activities. Like a hatching egg, intrinsic community initiatives are more enduring than extrinsic forces. Communities need space to initiate and sustain new ideas. Openness promotes networking, boldness and voluntary connectivity. Communication fosters proximity between people (Tutani 2010).

Common sense tells us that real happiness lies in helping others. You become the best by doing the best to others. The war veterans, the impressionable youth and the ordinary citizens are interdependent and integral community stakeholders. Community interconnectedness is built through truth recovery and adherence to the known restorative measures. Truth has always been elusive and complex; this applies to the Zimbabwean situation, where the truth about political violence is in the public domain, but no

deliberate efforts are made to recover and account for it. This skewed victim-perpetrator rapport makes a uniform transitional justice option impossible because power is in the hands of the alleged perpetrators.

Notwithstanding their structural and developmental backwardness, grassroots communities bear the brunt of political violence. Regardless of this vulnerability, grassroots communities should be refined by their painful experiences. This belief that people's painful experiences add value unto them is expressed in the Shona belief that, *Upenyu rwendo, unotosimbiswa nevasingakude* (conformists do not make history). In addition to shared core values, every grassroots community is bound by its history and interlinked relations. If such interconnectedness and interdependency is reinforced by unity of purpose, grassroots communities can collectively resist external manipulation.

I recommend that the State must commission inter-disciplinary research on community-based challenges, in order to deploy the right structural supporting systems. The State should roll out partnerships and collaborations with both local and international non-State actors in order to establish the needs, contexts and circumstances from community to national levels. This should be a precursor to intervention and support systems.

The intrinsic community spirit should forge unity of purpose against external influence. As underlined in the local proverb, *Makudo ndimamwe, musu wenjodzi anorwirana* (Brothers quarrelling at home join hands against external forces), grassroots communities should resist either manipulation or coercion by politicians to turn them against each other. Together, they can promote community social cohesion, tolerance, and strengthen local governance by saying 'NO!' to external manipulations. Grassroots communities can overcome their differences by speaking with one voice (Lederach 2011). Teamwork is indispensable in peacebuilding; traditional leaders and non-State actors should take a leading role in spearheading nonviolent alternatives. Consensus was not easy during the workshop, but participants compromised on many issues such as how to speak to each other and even the dress code and music. The victims' request that political slogans and songs including the national anthem be avoided was no mean achievement. They requested it and their request was answered and respected.

10.3.4 Story telling as a truth recovery approach

Story-telling, singing and poetry dominated the participatory dialogue workshop. Africans have a culture of story-telling; almost everyone had a story to tell. The motive was to recover the elusive truth and find recourse through music, poetry, drama and reminiscences. This afforded the survivors an opportunity to tell what Hayner (1995) calls the 'unspeakable truth.' The truth-seeking quest is underlined in the community belief that, *Chokwadi hachiputsi ukama* (Truth binds relations). This

confirms that, 'Even in situations where pardon or clemency might be appropriate, there should be no compromise of the obligation to discover and acknowledge the truth' (Henkin 1995 cited Hansen 2010). I clarified to the participants that accountability of the wrongs of the past was beyond the workshop's jurisdiction. The testimonies were more weird than real; nerve-wrecking tales were recounted. But the outcomes were desirable. Recounting the sad past did not re-traumatise the victims. They acknowledged that breaking the silence to a listening audience was therapeutic. This confirms Guthrey's argument that victims' voice can transform pain to gain (2015). Moreover, the alleged perpetrators did not refute the narratives. Their patriotism and sovereignty clichés could either be viewed as a ploy to prevail over the survivors or a manifestation of the existing level of impunity. The victims also need to attempt to empathise with their tormentors in order to understand their experiences better. With understanding comes an acknowledgement that perhaps their violent behaviour may be a result of the un-rehabilitated horrors of the liberation war, or manipulation by the powers that be. Understanding the perpetrators' motives enables healing to take place. Furthermore, it is never too late to rehabilitate and empower the perpetrators through intensive and progressive engagement. This confirms Lederach's advocacy that both the violators and the violated be engaged in peacebuilding processes.

The Priest acknowledged the victims' plight and lack of redress as drivers of their agitations. His counsel was effective. He underlined Jesus' call for unconditional love and infinitive forgiveness. I was particularly touched by the classic description of the Cross upon which Jesus was crucified – the vertical part represents Jesus' body (God's link) with humanity and the horizontal (Jesus' open arms) stands for the much-needed interaction and love between human beings. It was inspiring to hear that salvation is premised on love, mercy, tolerance, forgiveness and reconciliation. Moreover, Jesus' unconditional forgiveness of both his disciples (who denied him) and his crucifiers is phenomenal.

Participants who made testimonies expressed great relief for being recognised, listened to and heard. Both the victims and the alleged perpetrators had stories to tell. They expressed willingness to participate in the country's peacebuilding processes. This revived their hope in the pursuit of peace and justice. I was convinced that the interactive dialogue could build confidence and self-esteem amongst participants. Such collective goodwill showed intrinsic concern about the entire community's security concerns. Therefore, story-telling has the power to heal, by easing tension, stress and changing mindsets.

A brief reflection on key testimonies is worthwhile. The victim-turned-perpetrator seemed satisfied with the restitution. However, his heifer offer to the Sub-chief (*Sadunhu*) was a restorative gesture motivated by the realisation that the Sub-chief was also a victim of political circumstances. The gesture would go a long way if the Sub- chief accepted the offer. My post-intervention interaction with the war veteran

revealed that perpetrators were also human. The alleged perpetrator confided that they received unquestionable orders from above and lamented his ominous isolation in the community. Ultimately, perpetrators were also victims of their own follies. The widow's 'untold story' is ironically in the community public domain. Her preparedness to 'pour out her soul' and to engage the alleged perpetrators over the alleged avenging spirits was commendable. The traditional leadership confided that cases of alleged avenging spirits are on the rise and assured that they will continue to encourage offenders to appease the offended as per custom. He lamented that, 'As custodians of culture, we can facilitate and mediate between the parties to appease the avenging spirits. A loss to a family is a loss to all. No one is spared from misfortunes befalling even individuals.' Given that a problem shared is half solved; I deduced from the intervention that the causes of violence are multi-layered. The tone and body language, 'said' a lot. It dawned on me why the widow was in ZANU-PF regalia. The intervention also affirmed that bottom-up peacebuilding approaches were cost effective in conflict transformation. They tend to be holistic and inclusive.

10.3.5 The value of victim-perpetrator interaction

The victim-perpetrator interaction was a phenomenal part of the research in so many ways. The face-to-face interactions and sharing experiences has the potential to heal the wounds and restore trust. As noted by Lederach (1997:23), 'relationship is the basis of both the conflict and its long term solution.' Whatever the case, the scenario remains 'humans-in relationship' (Lederach 1997:26). Given the Zimbabwean scenario, both truth recovery should, for now, psyche up the survivors to let go the burden of the past and move on. Befriending one's enemy, as advised by Abraham Lincoln, produces a win-win outcome. As a way of building victims' self-esteem, the term 'property' has been invented to refer to a dispute (Christie 1977 cited in McCarthy 2009:253).

Transcending and transforming from 'I-to-We' by peaceful means is mutually restorative (Galtung 2004). The widow's seemingly hopeless situation is reparable. Her preparedness to talk to her offenders will go a long way towards transforming the conflict. With the necessary psycho-support systems, communities can transcend and transform from traumatising situations by peaceful means. Through consensus seeking, it is possible to transcend from the exclusive 'I' and 'You' to the inclusive 'Us.' This confirms Freire's argument that victims are not 'outsiders,' but 'insiders' of the structures that made them 'beings for others' (1972:48). Freire's point is that victims must not be forcibly integrated into corrupted structures, but transform the system so that victims become 'beings themselves.'

Through the proverb *Rega zvipore akabva murutsva* (Experience is the best teacher), the participants appreciated that revenge will only aggravate, rather than abate bitterness. Story telling demonstrated that there is healing power in heartfelt forgiveness and failure to forgive burdens our hearts with grief.

It is common knowledge that accountability and justice can be delayed but not denied forever. The rumour about the avenging spirits is in the public domain. In their *Ingozi inokutuma* (you are possessed by evil spirits) chorus, the participants were imploring the alleged offenders to account for their actions and appease the avenging spirits. According to Joy (2011:29), the frankness that characterised the interactions ‘can evoke a shared call to change.’ This enhances empathy, understanding, respect and redress of the victim.

Truth recovery is central to peacebuilding (Chapman 2001). Given the centrality of truth recovery in dealing with human rights’ violations, community-based conflict transformation mechanisms like courts, can be capacitated to deal with local disputes. Community-based truth and reconciliation commissions can be created using local inputs. The process has a dual mandate; it benefits both the alleged perpetrators and the victims. Offenders can use the platform to account for their actions and the victims get an opportunity to hear what happened to them and be listened to. The perpetrator-victim engagement has been acknowledged as the beginning of conflict transformation in pursuit of peace and justice. Meaningful engagement enables them to make sense out of their differences. This knowledge can lead to reconciliation, defined by Lederach in terms of Psalms 85:10’s ‘meeting place’ of truth and mercy and the ‘kissing’ of justice and peace (NIV 1973:414). According to Kriesberg (1998 cited in Ramsbotham *et al.* 2012: 258), truth (revelation, transparency and acknowledgement), mercy (acceptance, forgiveness, compassion, healing), and justice (restitution) lead to peace (security, respect, harmony, wellbeing). I fully subscribe to Lederach’s theory of bringing the disputants together to face the problem and build a new shared future (1997).

In principle, booing and heckling the war veteran was a clear expression that no one can forever be stronger than everyone. It was a popular expression that the entire community cannot be held at ransom by a few rogue elements. The unanimous expression of disapproval resonates with the national pressure groups fronted by several civilian-driven nonviolent protest movements against Mugabe’s leadership. Without external manipulation, the alleged perpetrators have no capacity and cause to hold the whole community at ransom. The perpetrators can appeal to their senses, reflect and take conciliatory measures such as sincere apologies. Hauss (2003), argues that, ‘Apology and forgiveness are two sides of the same emotional coin. They reflect the constructive ways the oppressors and the oppressed in an intractable conflict can come to grips with the pain and suffering the conflict produced.’ The process requires the offender to: freely admit wrongdoing; fully accept responsibility; humbly ask for

forgiveness; show remorse and behaviour change, and actively engage in rebuilding trust (Hauss 2003:35).

The process can be painstakingly long but worthwhile. Collective values should be given space to motivate and shape progressive shifts in societal transformations. The shifts may occur in individual or wholesale community relations. As noted by Joy (2011:16), individual, inter-personal and societal relations define the context of a community's development. Therefore, no matter how slow, individual or societal transformation is a step forward and each step can inform the next.

The participating local Priest underlined that, forgiveness is more effective if the offender takes the initiative to confess, show contrition and pledges non-recurrence. He however, implored participants to emulate God who initiated reconciliation with humanity. Quoting from Isaiah 43:18; he urged participants to unconditionally let go and move on. He cited Jesus' unconditional forgiveness of both his crucifiers and his disciples who disowned him. He underscored that Jesus prayed for his crucifiers and commissioned his disciples as ministers of reconciliation. This demonstrates that forgiveness adds value even to the offender. Responding to a participant's emphasis that *Chinokanganwa idemo kwete muti* (the offended remember), the Priest hinted that holding on to the wrongs of the past does more damage than simply letting go.

The Priest's emphasis on the need to treat transgressors as human beings was thought-provoking. He implored participants to embrace the tenets of the Jubilee Year (2016) of Mercy by soothing our hearts in order to receive Jesus' grace, mercy and kindness. He graphically explained the biblical transition from retributive to restorative justice through forgiveness. His emphasis on humanity's common Fatherhood in God who manifests his power through forgiveness, mercy and love was captivating. He underlined the traditional leader's sentiments that offenders must not be rebuked but encouraged to account for their actions and make amendments. Therefore, the offended must forgive countless times (Matthew 18:22 cited NIV 1973:683). The offended must draw strength from the fact that, if God is so forgiving, we must forgive more. In the Lord's Prayer, Jesus taught his disciples to forgive in order to be forgiven. Luke 11 verse 4 reads, 'Forgive us our sins, for we also forgive everyone who sins against us' (NIV 1973: 722).

The intervention taught me that engaging disputants in interactive dialogue promotes teamwork. Through sharing experiences, participants appreciated the value of forgiveness. The current inability of the customary and national courts to deliver justice was discussed and participants resolved to perform symbolic rituals such as memorialisation and to prevent recurrence. Interventions should therefore, always be assertive to host communities. The reigning Pope Francis I urges that, 'You can respond to

the assaults of the devil only with the works of God, which are forgiveness, love and respect for one's neighbour even when they are different' (2016). Responding to violence and hatred with love is difficult but brings enduring outcomes. This Christian love seeks the highest good of both one's neighbour and one's enemy. It is, therefore, self-destructive to sustain bitterness than to simply let go and move on.

10.4 Tree planting as a peacebuilding approach

I acknowledged in Chapter 9 that the establishment of the *Kunzwa Nokuita* (Walk the Talk) Peace Garden was a by-product of the dialogue workshop. The tree planting exercise became part of creating and sustaining catalysts for reconciliation (Lederach 1997). Tree planting has symbolic peacebuilding features. There is a symbolic link between the rural community's collective values and trees and nature in general. Green plants in general symbolise abundant life and their roots represent stability and a sense of belonging. As she narrated the gruesome abduction, torture and eventual death of her son and daughter-in-law, the widow did mention that a tree is only complete if all its parts are intact. Her emphasis that, *Pabve zino pasara vende* (life will never be the same without full membership) shows that in the same way trees lose their branches through deforestation, communities are dismembered through violence. This means plants live and suffer the same way as human beings do: afforestation represents respect for human life while deforestation symbolises human rights violations. However, like dismembered plants, hurt people can, after the necessary rituals recuperate and heal. In the same way green shoots sprout from badly violated stumps, through justice broken hearts can be repaired. The good will eventually triumph over evil in the same way the darkest hour signifies the coming of dawn.

Since human beings are the most common agents of both harm and restoration, educating communities about the merits of social justice and environmental harmony will go a long way in promoting peace and justice. This symbolic link gave deeper peacebuilding meaning and relevance to the tree growing initiative. The collective tree planting process convinced me that restorative justice is possible.

Peacebuilding processes (chapter 7) and tree planting have one common characteristic: both must be handled carefully, from start to fruition (Khampepe 2016 cited in Green 2016). Tree planting initiative has long term benefits; it enhances interaction participation. The youth in particular meet regularly at the Peace Garden to nurture the trees. I have since procured a deck of cards to enhance their interaction through entertainment. We resolved to make the occasion bigger on the National Tree Planting Day which comes every first Saturday of December. Participants have proposed that we establish herbal garden. A number of forestry companies have pledged to support our cause.

10.5 WhatsApp chat Group as a peacebuilding platform

One amazing by-product of the dialogue intervention was the WhatsApp social media chat group initiative. The initiative can be hailed both as a transitional justice option and a measure to sustain peace and justice through mere social interaction. Electronic communication is very effective and interactive. It reduces communication barriers and protocols. Several names were proposed before participants eventually agreed to name it ‘Ward 18 Development.’ Once again, consensus was not easy but a compromise was reached after allowing debate to run its full course. Debating is therefore part of skills development and tolerance. The chat group has the potential to enhance community interaction and teamwork. If people identify problems that divide them and work out solutions, they can develop lifelong skills including preventive measures within their context (Lederach 1997). I am a group participant.

Membership has significantly risen from the initial 10 to 40. This meteoric rise is encouraging though the key to enduring behaviour change is not decided by the size of participants but the quality of relationships and connectivity between diverse people (Lederach 2012). The prime motive of the platform is to promote bottom-up interaction amongst the community members. Apart from the informal chats and updates, popular posts include the state of the Peace Garden, stray livestock, condolences, veld fires, menacing mosquitoes and the general socio-economic and political challenges. I have noticed with keen interest that members who opt out over ‘sensitive political issues’ are re-admitted. The re-admitted members are reminded that the prime objective of the platform is collective community development. Participants encourage each other to positively identify themselves and to actively participate.

Social media can sustain interaction between diverse people. Being the fastest means of communication and source of news, it promotes networking and connectivity. Moreover, it helps to understand the dynamics of members’ relations and their common challenges and prospects. Differences and polarisation can, through sustained interaction, be eased. The participants’ goals seem incompatible but there is evidence of deliberate effort to pay attention to common challenges and opportunities.

I was impressed to note that after a protracted discussion on how to deal with the mosquito menace, the participants eventually agreed to set up a committee to work out the possible logistics. I was impressed to see Kunder’s maxim: ‘Anger is the punishment we give to ourselves for someone else’s mistake’ (2016). Another noteworthy post is an incident involving East and West Germany before the demise of the Berlin Wall in 1991. The story goes: One day some people in East Berlin dumped a truck load of garbage in West Berlin. Instead of retaliating, the people of West Berlin loaded a truck with basic food provisions, labelled it **‘EACH GIVES WHAT HE HAS’** and delivered it to East Berlin. One of the

moral lessons from this post is that the offended have no control over the actions of their offenders but, they have full control over the way they respond to any form provocation.

If sustained, such posts can make massive behavioural and attitudinal changes in the lives of participants and the community as a whole. Information is a resource; the efforts can overtime restore hope. I wish that this interactive platform be sustained. It was through the platform that I got to know about a recent tragedy in the community. An alleged perpetrator's hut was struck by a bolt of lightning. Thank God no one was hurt. The platform has been awash with conspiracy theories about the cause of the bolt and the way forward. The traditional leadership has granted faith organisations permission to convene for prayers. Once again, the chat platform has proved Freire's argument that dialogue enhances united reflection and action (1972). ICT must be made available and accessible, to enhance connectivity and interaction.

10.6 Community peacebuilding: Local initiatives, State or non-State interventions?

This theme focuses on the common interventions that can transform Zimbabwe from the culture of violence and impunity to the culture of peace. This discussion is guided by the Cure Violence Health Model which says community violence can be reduced and eventually cured by diagnosing the causes and symptoms/effects (Cure Violence 2016). As noted in the victim-perpetrator discussion, knowing the problem is imperative in seeking its cure and prevention. The success of this model depends largely on the goodwill of the stakeholders, the objectives and methodologies used.

I established that there is growing advocacy in prioritising and maximising community-based conflict transformation mechanisms. This 'local context' advocacy has provoked debate on the relative effectiveness of community-based peacebuilding initiatives vis-à-vis 'external' interventions (Sending 2009). The debate can be traced to Freire's 'banking theory' in which one person 'deposits' ideas in another (1972). I feel that the renewed interest in community-based conflict transformation mechanisms is not necessarily a ploy to exclude 'external stakeholders,' but a way to enhance complementarity. This can be achieved by listening to the needs, interests and positions of the communities concerned. Bearing in mind that peacebuilding processes involve a wide range of activities, the focus should remain 'on preventing the outbreak, recurrence, or continuance of violence' (Inwood and Aderman 2016).

10.6.1 External interventions

As underlined in the local proverb, *Nyoka inouraiwa nomweni* (Strangers can be saviours) the Shona appreciate external interventions. External actors should complement, rather than prescribe and drive grassroots peacebuilding initiatives. Lederach's reconciliation theoretical framework underpinning this

research, advocates bottom-up peacebuilding processes. The three traditional (African) conflict transformation mechanisms reviewed in chapter 7 concur that:

...restorative justice has historically been the dominant paradigm of criminal justice, by which...the response to crime until the rise of modern state, involved offenders making amends to their victims, so as to restore order and peace as quickly as possible and to avoid vengeful blood feuds (Strang 2013:340).

I established that community-based peacebuilding initiatives based on core values have been significantly compromised. Traditional institutions which should be bedrock of collective core values and norms have been ‘captured’ by the State. As noted in chapter 7, this State factor can be traced to the colonial era when, in principle, the colonial system of ‘indirect rule’ preserved traditional institutions for the benefit of both the local and the central government. Arguably, the system transformed traditional institutions into ‘developmental’ agents. Regrettably, independent Zimbabwe has turned traditional institutions into ZANU-PF functionaries (Summer 1980 cited in Krieger 1992:233). This violates Clause 281: 2 (a-d) of the Constitution of Zimbabwe (2013:110) which requires them to be apolitical, nonpartisan and respectful of fundamental human rights and freedoms of any person. Traditional institutions should be a symbol of collective identity and wholesale community development.

More often than not, the State has ready-made solutions to all problems. States invariably make no efforts to consult and involve the communities concerned. Instead, the State, as is the case in Zimbabwe, politicises every aspect of life. As noted in chapter 7, the South African TRC has been hailed as a success story at national and not local level. The ‘truth-for-amnesty’ approach aimed to achieve wholesale reconciliation by trading amnesty for truth. Hamber and Van der Merwe (cited in Wielenga 2015) argue that the TRC failed at local level due to lack of grassroots consultation. The State missed local communities’ varied expectations such as trial and punishment of the offenders and compensation (Wielenga 2015). This missing link can be blamed for the current high prevalence of violence, socio-economic inequality, racism and general disillusionment in South Africa.

The peace deal in Colombia between the government and the illegal drug linked rebels has a lot to learn from the South African TRC. The processes should engage the long-neglected poor rural areas and convince them to grow legal crops like beans and coffee. The ‘farmers will continue to produce drugs until they can obtain a better living from other crops or other means of employment or until the demand is controlled in the United States’ (Marston *et al.* 2002:407).

The AU's current efforts to develop its own transitional justice, as discussed in chapter 7, are influenced by the extent to which local communities must influence and sustain their transformations. Wielenga (2015) identifies three competing agendas that will shape the AU initiatives:

- most African leaders resist accountability and prosecutions, as noted in their opposition to the ICC efforts;
- the legality of the re-invented traditional justice mechanisms, and
- both local and international human rights organisations strongly prefer punitive justice system as the ideal way to deal with impunity and dictatorship.

I established that the 'third party' actors rarely consult with local communities or complement their initiatives. Rather, they impose ready-made frameworks which invariably turn out to be alien and incompatible. Both State and non-State actors must be sensitive to the needs, interests and positions of local communities (Sending 2009). The community case-studied bemoaned the State manipulation of traditional institutions for political expediency. The Village head complained about their diminishing influence and competition for political space with the parallel structures. He lamented that, 'There is now overt power struggle between traditional and political leaders. We have lost respect and dignity. We are now mere figureheads tasked with unpopular tasks like coercing people to attend political rallies.'

However, participants complained about the complicity of traditional leaders and the State in political violence and the lethargy of some non-State actors. The Village head refuted the allegations traditional leaders selectively apply the justice system and deny opposition activists food aid and State inputs. Traditional leaders are in a dilemma: they should be impartial, yet they have to please both the State (which pays them) and the people (from where their legitimacy comes). The State regards traditional leaders as its 'eyes' while the latter regard them as their guardians. I contend that if traditional institutions are fully restored, grassroots conflicts can be transformed locally.

Guided by the indigenous Shona philosophy that *Mambo ibako* (traditional leaders should accommodate diversity), traditional leaders can mitigate against political violence by giving free political space to all parties. Freedom of political participation and association promotes tolerance and accountability. If grassroots communities tolerate political pluralism political violence will subside. Such preventive measures would certainly restore the trust, respect and legitimacy of traditional institutions.

The State and the non-State actors should collaborate with community stakeholders in all community-based peacebuilding interventions. Participants complained that State bureaucracy stall donor-funded community developmental projects. Community engagement should be an ongoing process. The State should not only engage communities during election time with elegant electoral manifestos and high

sounding promises. Politicians should persuade and listen rather than coerce the electorate. Talking to communities without listening to them does not change anything (Johnstone 2016:2). Sachikonye (2011) has graphically shown how ZANU-PF has since its formation in 1963, used violence to silence any form of dissent.

10.6.2 The state and non-state interventions: need for partnerships

The mutual tension between the ZANU-PF Government and non-State actors over community-based developmental projects has further complicated peacebuilding processes in Zimbabwe. Their bone of contention is invariably governance and accountability (Dhafana 2016). On one hand, non-State actors such as civil society organisations accuse the State of exacerbating human rights violations for political expediency. On the other hand, the State accuses civil society organisations of fomenting conflicts in order to seek relevance and push for a regime change agenda. Civil society organisations have also been blamed by researchers for causing harm to host communities, either as ‘conflict entrepreneurs’ or by short changing them through unsustainable intervention strategies (Anderson 1999). Donor funded and driven initiatives are invariably time bound and accountable to the funders and not the host communities. Donor aid can also lead to ‘donor dependency,’ he/she who pays the musician can determine the tune. To enhance local ownership and sustainability, both the State and non-State actors must form partnerships to strengthen local structures.

I agree that all intervention processes must be timeous, comprehensive and informed by the local context (Schirch 2013). Basing on their theoretical knowledge, most Non-State actors ‘tend to place greater emphasis on entities than relationships’ (Brigg 2008:2). Grassroots communities primarily need space and inputs to inform and sustain the processes. Non-State actors should complement local initiatives through research, resource mobilisation and sustainability skills. Capacity building enhances self-reliance.

Since community divisions are exacerbated by poverty, the State should collaborate with non-State actors in promoting wholesale socio-economic development. Wholesale equitable regional development enhances social harmony and reconciliation. I recommend that, instead of prescribing solutions to grassroots communities, external interventions should capacitate them through lifelong skills development. Public policies must be based on broad consultation.

10.6.3 Community-based initiatives

The value of listening methodology lies in the act of giving communities space to be heard and to realise that their voices are important (Simbulan and Visser 2016).

The dialogue intervention approach taught me that great things always come from within. Issues on the ground decisively determine the course of action. Therefore, peacebuilding interventions should always be informed by the context (Simbulan and Visser 2016). According to Welch (cited in Yamamoto 2016), sustainability depends on the rate of change from inside vis-à-vis external influence. Therefore, violence-prone communities require minimum external influence to unlock their innate collective indigenous knowledge systems. Bound by its common neighbourhood and history, the community case-studied has a rich vein of collective indigenous knowledge systems entrenched in its shared culture and traditions. This shared culture and traditions form its ‘unwritten constitution’ kept in check by shared checks and balances such as proverbs, idioms, taboos, customs, values and norms. As noted in the data presentation, an African rural community is further cemented by intricate relations such as neighbourhood, history, familiarity, totems and marriage links. This treasured knowledge has a strong bearing on community peace and conflict trends. The quality of these intricate checks and balances is a sustainability measure in transforming relations. The checks and balances can yield durable, yet flexible and sustainable governance institutions. Collective values determine community priorities, choices and even behaviour (Joy 2011). Brigg (2008:2) concurs that ‘networked relationality can be a valuable resource for pursuing integrated peacebuilding and more genuine local participation.’ Broad consultation ensures inclusive participation and sense of ownership and goodwill.

I established that truth recovery and accountability form the bedrock of communityhood. The idioms – *Chokwadi hachiputsi ukama* (Truth binds relations) and *Mhosva haiori* (justice will eventually catch up with offenders) reminds the community about the importance of truth telling and accountability for one’s actions. Truth recovery is a contested terrain in peacebuilding (Hayner 1995). As noted in the story telling session, the power of truth recovery has a healing effect. Victims find relief in being listened to. Participants also confided that offenders can quietly conform to popular expectations. The proverbs *Dzinonzwa hadzirimi* (Ears hear) and *Ishe haasiye bhachi padare* (African leaders do not openly concede defeat) underline that it takes great courage to say ‘I am sorry.’ Nevertheless, it is the behaviour change and not verbal expressions that matters most in conflict transformation. Community-based truth recovery can therefore go a long way in informing broader transitional justice models.

The village head was conciliatory. He conceded that to err is human. His catch phrase, *Musha wamambo wakanaka uri kure* (All that glitters is not gold) confirmed his dilemma. The prominent elder who gave a vote of thanks made subtle remarks about the need for accountable traditional leadership. He said:

- *Wabvuma ushe wabvuma uranda* (Leaders should embrace servant leadership)
- *Gudo guru peta muswe kuti vaduku vakutye* (Humility is a virtue)
- *Nyika vanhu* (No one is stronger than all of us)

- *Kudya chomupfupi nokureba* (Power corrupts).

The elder concluded with a teamwork motivational story. The story which only made meaning to me much later involved a supposedly devout Catholic woman who never missed church functions but never conformed to her husband's expectations. The story goes: 'A group of men was attending a funeral in the company of their Bishop. As they warmed themselves around an evening fire, one man confronted the Bishop and demanded to know why his wife who never missed any church function never changed her behaviour. Instead, of giving an immediate answer, the Bishop shrewdly withdrew a log from the burning fire and waited. The lone log started to puff choking smoke much to the chagrin of everyone. As everyone coughed and whimpered, the Bishop pushed back the log into the fire and asked the gathering to notice the difference.' The smoke subsided. What a story! It implied that meaningful engagement minimises individual misdemeanour. Put into context, like smoke, violence affects both the victims and the perpetrators. We resolved that sharing information and taking heed of early warning signs can help the community to take the necessary precautionary measures. Community security should be everyone's responsibility. Collective effort is imperative in repairing community relationships. Therefore, dialogue enhances security by bringing people closer (Oberg 2016).

Since peacebuilding processes entail a wide range of strategies, the local context should determine the mechanisms to be embraced. Full engagement of local actors and maximising their inputs in conflict transformation has a dual purpose of promoting ownership and sustainability. The prime motive of full engagement of the grassroots is not to insulate local values from external influence, but to allow new ways that are compatible to the context. Even truth and reconciliation commissions which have invariably been used at national levels can also be used at grassroots level to 'help activists to reclaim their communities and advance social justice' (Inwood and Aderman 2016). As noted in chapter 7, there are challenges and merits of using these extra-judicial models in conflict transformation processes. One notable challenge is that national mechanisms tend to promote dialogue between the State and the offender, at the expense of the offended (Strang 2013:340). Community-based TRC models can, therefore, be used to prevent the outbreak and recurrence of violence at grassroots level by embracing measures that can effectively address known human rights abuses (Ayee 2016). Community-based TRCs ought to be guided by shared values.

From the discussion, the form of intervention to be embraced should be determined by the local context. External interventions are necessary, in terms of resource mobilisation and complementing local efforts. If genuinely engaged, shared community core values can yield sustainable community-based peacebuilding processes. Arguably, since communities have more in common than what divide them, transformation is possible through maximising these shared values and visions. Lederach (1995:212

cited in Ramsbotham 2005:220) hails indigenous empowerment for giving the grassroots both a voice and action. He argues that:

The principles of indigenous empowerment suggest that conflict transformation must actively, envision, include and promote the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not primarily 'see' the setting and the people in it as a problem and the outsider as the answer. Rather, we understand the long term goal of transformation as validating and building on people and resources within the setting.

Interventions must therefore, prioritise engagement and dialogue ahead of prescribing solutions. Pilot research on the local context is imperative, to map the conflict trends and design intervention strategies. Local resources should be prioritised and maximised.

10.7 Exploring Transitional justice models for Zimbabwe

Exploring transitional justice options for Zimbabwe is the primary goal of this research. As underlined in objective 2, the motive is to explore possible models that can transform Zimbabwe from a culture of endemic political violence to a culture of sustainable peace and justice. The models will be determined by the outcomes of objective 1 which sought to establish the causes, nature, extent and effects of politically motivated violence in Zimbabwe. The data generated suggests that a hybrid and not a single model can effectively deal with Zimbabwe's culture of political violence and impunity (Table 9.4). Possible transitional justice models for Zimbabwe can be summarised as:

- Community-based initiatives
- Prosecution
- Independent Commissions of Inquiry
- Human Rights Commissions
- Truth and Reconciliation Commissions
- National Transitional Authority

Participants expressed a strong wish for the pursuit of justice through both prosecutorial and restorative processes. These sentiments tally with the reviewed literature, especially Galtung's description of peacebuilding as: 'Peace = direct peace + structural peace + cultural peace' (cited Mani 2002:12). The findings confirm claims that political violence and impunity have become so 'deeply embedded in our national psyche' that they have been normalised (Sachikonye 2011; Mukonori 2012; Coltart 2015). The complex nature of the forms of violence prevalent in Zimbabwe requires appropriate models informed by the context variables. Human rights violations prevalent in Zimbabwe can be summed up as death,

torture, maiming, amputations, rape, displacements, disappearances, impunity and lawlessness (CPIA 2011).

Given the backlog of unaccounted for human rights' violations, judicial mechanisms such as trials cannot cope. Moreover, respondents confided that courts may not satisfy their needs because they have been compromised by political interference. They expressed concern that 4,088 criminal convicts were unconditionally amnestied in 2016 as part of the ZANU-PF impunity. Without adequate rehabilitation skills, these recidivists may find it very difficult to cope with the ever deteriorating socio-economic situation in Zimbabwe. The recidivists can be easily manipulated into ZANU-PF agents of violence in the impending 2018 elections. Therefore, prosecutions can only be possible, if both the judiciary and the security sectors have been reformed, and the rule of law and constitutionalism restored.

This research strongly feels that the reconstruction of Zimbabwe's social fabric requires multiple initiatives. The 'hybrid' frameworks can start from grassroots to national levels. This integrated approach must be holistic, inclusive, and gender-sensitive. Above all, it must be heavily determined by the local context. The proposed 'hybrid' frameworks must, inter-alia, be legally mandated to recover the truth of what happened through public consultation and dialogue. The mandate should be comprehensive and clear; such as investigating human rights violations and the nature and extent of the abuses (Teitel 2003). The mandate should inform the way forward in terms of the frameworks' structural composition, time-frame, reparations, rehabilitation, memorialisation, healing and reconciliation processes and even how to handle the findings (Ayee 2016). The yet to be constituted National Peace and Reconciliation Commission seems to have a weak mandate in that it makes no deliberate reference to truth recovery and its operational independence seems quite compromised by political interference. Regrettably, prior attempts at government controlled transitional justice processes since independence have failed mainly due to limited stakeholder participation, lack of political will and unclear mandates. Community-based initiatives should also be considered, given that known perpetrators can be collectively made to account for their actions. In cases where symbolic compensation is not forthcoming, the offended should, for their own sake, forgive and let go; for life is too short to keep grudges of the past.

This research established that despite the proliferation of TRCs in recent years, and their perceived feasibility, grassroots participation should be prioritised (Schirch 2013). The research also established that the attitude and goodwill of the actors, especially the State is very critical in any transitional justice process. Naturally, given the prevailing political circumstances, ZANU-PF would not want a model that would expose their violent tendencies. The State's obligations in this regard will be discussed in the next theme.

10.8 The would-be actors in Zimbabwe's transitional justice processes and their roles

Two themes are covered here: the identity of would-be-stakeholders in Zimbabwe's transitional justice processes (and their roles) and how to sustain peace and justice. Table 9.12 shows more than twenty would-be actors in Zimbabwe's transitional justice processes and their roles. This diverse composition ranges from ordinary citizens to the State. I suggest that the choice of participants should be determined by both the level and the model(s) chosen. The roles shown in Table 9.4 seem to apply to national levels. I recommend that in addition to the orthodox stakeholders shown in Lederach's pyramid (Figure 4.2), there are other potential relevant actors such as the victims, the perpetrators, the business community, the international community, trade unions and the media.

The victim-perpetrator dynamics convinced me that there is need to go beyond stakeholder identification, and consider why and how their participation is critical. I learnt from the intervention that dialogue enables conflicting parties to interact and share experiences. Such engagements have the potential to promote common understanding and deliberate attempts to find a common way forward. Participants confided after the workshop, that the perpetrators are slowly opening up on their actions. However, some survivors insisted that the perpetrators must account for their actions, lest they continue to face the wrath of avenging spirits.

The *why* and *how* dimension is, therefore, critical in identifying the root causes and seeking sustainable solutions. The root causes of Zimbabwe's problems lie mainly in the leadership crisis. ZANU-PF's use of violence as a tool in all circumstances has divided communities (Mukonori 2012). This makes it difficult to expect them to implement reforms that will undermine them. The generated data propose hybrid frameworks that involve multiple approaches such as truth recovery trials and prosecutions, institutional reforms, reparations and memorialisation. This information is imperative in exploring why and how particular stakeholders must be engaged. As noted in Figure 4.2, Lederach (1997:39) proposes a three-level pyramid of mutually inclusive stakeholder participants in transitional justice processes. These are: the top, the middle and the grassroots levels.

10.8.1 The State

The state has the legal mandate to consult and prioritise people's needs and interests. The State must always actively engage all relevant stakeholders in participatory dialogue. Purposeful engagement cultivates and nurtures a culture of inclusivity. Inclusive participation produces sustainable outcomes based on checks and balances. Since good governance improves the lives of all citizens, the State must commit itself to reform, constitutionalism and rule of law. The State must therefore engage all relevant stakeholders, not only to ensure legitimacy but to ensure collective responsibility and ownership. The

State must duly investigate cases of politically motivated violence and hold perpetrators to account. The judiciary system, from the grassroots to the high court must independently safeguard the laws of the land.

The world has a lot to learn from the 2016 historic Colombian peace deal. The state's patience with both the FARC rebels and the heart-broken survivors has won the sympathy of the international community. Arguably, the State's commitment to end this protracted conflict has prompted notable survivors to accept the rebels' forgiveness pledge. President Santos' humble submission that winning the 2016 Nobel Peace Prize is a rare 'gift from heaven' will go a long way in making the 'impossible dream' possible and provoking global 'rethinking' about the 'war on drugs' which has caused untold human suffering and environmental degradation (*The Guardian* 2016).

The Zimbabwe parliament should legislate bills to empower the chosen transitional justice framework(s) in terms of:

- the nature of human violations to be investigated;
- the period to be investigated and the lifespan of the framework(s);
- composition and operational autonomy;
- intervention strategies; and
- recommendations

The security sector must be professional and prioritise national security and development. Security forces need basic education on inalienable human rights. Security and judiciary sectors' participation in transitional justice processes will certainly enhance the credibility and cultivate a mutual nexus between security and national development.

The sincerity of the state in this regard is determined by its commitment to separation of powers between the Executive, the Judiciary and the Legislative as well as its rapport with non-state actors. The State and Non-State need to mutually, collaborate rather than compete exclusively. Collaboration and partnerships build linkages of trust, policy consistency and consensus. Schirch's concerns that local peacebuilding initiatives be prioritised (2013), can only be possible if the independence of traditional institutions is restored and guaranteed. The state must therefore, emphasise bottom-up peacebuilding initiatives, in order to ensure ownership and sustainability (Lederach 1997). Citizenship empowerment is the hallmark of wholesale development.

The State should, however, make interventions aimed at logistical support as well as monitoring and evaluation. The State is obliged to deploy research and medical experts into violence-prone communities to ascertain the causes, extent and possible solutions. Research and engagement enables the State to compare the findings from different communities in order to determine the way forward.

Research can inform the State on the structural composition and mandate of the impending National Peace and Reconciliation Commission. Zimbabwe should learn from the futility of the transitional justice efforts, since independence, that, top-bottom unconditional ‘forgive and forget’ approaches nurture violence and impunity. As noted by Lederach (1997), the State should widely consult on the concerns of the ordinary citizens and work out appropriate actions plans.

I established that the State should be open and receptive to informed criticism and new ideas from non-State stakeholders. The ‘State-citizenry contract’ should be based on mutual trust which should be constantly renewed through open dialogue and consultation. Similar to Rousseau’s ‘social contract theory,’ this synergy should be the basis of state legitimacy, sustainable institutional accountability, constitutionalism and the rule of law. The state-citizenry interaction is the hallmark of trust and institutional accountability. Instead of looking for scapegoats for citizenry discontent, the State must engage the citizens and find common ground. Sincere state engagement and insightful interaction yields win-win outcomes. Zimbabwe has a lot to learn from Sharp’s contention that, ‘A regime’s power is in proportion to its ability to make itself obeyed and to win from that obedience the means of action’ (2015: 10). The state must oversee the transformation of stakeholder commitment and general will into practical action (Furusa 2016).

10.8.2 Non-State actors

Key non-state actors to be involved in the proposed hybrid transitional justice processes in Zimbabwe include the Church, the media, Civil Society Organisations, the youth SADC, AU and the international community. They are in Lederach’s level 2 (Figure 4.2). They need to unite in their diversity and speak with one voice on all matters of citizenry concern.

10.8.2.1 The Church

Churches in Zimbabwe posit that they have a divine mandate to actively engage all stakeholders in a nonviolent pursuit of full human potential (2006). Churches are apolitical but they have a key role to play in transitional justice processes. The values of nonviolence, peace and justice are central to the Gospel of Christ (The Churches in Zimbabwe 2006:13). Due to their interconnectedness with both Christian and non-Christian communities, the Churches form the heart, voice and hope of the oppressed populace. Churches in Zimbabwe have a mandate to fulfil God’s will of evangelical and infrastructural growth. This is achievable through constant prayer, meditation and active advocacy.

Churches have a history of active nonviolence and all-stakeholder engagement which dates back to the colonial period. The sermon, ‘Come, let us reason together’ (Isaiah 1:18) can be used by the Churches in Zimbabwe to reach all Zimbabweans across the divide. Warren’s ‘Take the High Ground for a Clear

Perspective' (2017) is equally restorative. The perspective advocates restorative justice through, inter alia, understanding the behaviour of perpetrators, tolerating diversity and, above all, taking a high ground upon which one 'can see past that person's behaviour to their pain' (Warren 2017). The moral lesson here is that, we cannot control what people think, say or plot against us, but we do have 100% control over how we respond to any form of provocation. Such reasonableness resonates with the Christian belief that, 'Do not repay evil with evil or insult with insult, but with blessing...' (1 Peter 3: 9 cited NIV 1973: 841). As discussed in chapter 3, it could be completely within the victim's right to retaliate, but as taught in James 2:13, '....Mercy triumphs over judgement!' (cited NIV 1973: 837). This resonates with Jomo Kenyatta's 'Suffering without bitterness theory' (1968) and the need to ask the Almighty to bless, rather than curse our prosecutors (Romans 12: 14 cited in NIV 1973:788).

Christian faith is an active religion that values life as a sacrosanct gift from God (McKay 2016). Human beings are also endowed with inalienable human rights and freedoms which form the basis of humanity. The Churches can use this teaching to mobilise diverse groups and influence national policies. Therefore, all Churches in Zimbabwe should maximise the high levels of religious consciousness in the country and 'pray for the courage and wisdom to stand for human rights and to defend the poor' (Horan 2016). The Church must facilitate an urgent national dialogue between the State and the different stakeholders, to try and find common ground. Such initiatives of the can galvanise ordinary citizens to lobby SADC, the AU and even the UN to prioritise the situation in Zimbabwean.

Most peacebuilders are religious. Lederach is a Christian who draws most of his conflict transformation strategies from the Holy Bible. Great lessons on the role of the Church in peacebuilding can also be drawn from South Africa's TRC which triumphed mainly due to the sterling efforts of Archbishop Desmond Tutu and Pastor Frank Chikane. The 'healing through remembrance' theology underlines that, 'by rooting truth and reconciliation in the soil of reflection, individuals and religious communities may respond more fully to the emotional healing process' (Botman and Petersen 1996). The Church has the ability to touch hearts and evoke self-evaluation and reflection. Christians should 'Always pray to have eyes that see the best in people, a heart that forgives the worst, a mind that forgets the bad, and a soul that never loses faith in God' (Anonymous).

10.8.2.2 The media

Lessons from the NAZI German holocaust and the 1994 Rwandan genocide show that the media has the power to build or destroy peace. The advent of advanced information communication and has enhanced information credibility and dissemination. The media, both print and electronic can, therefore, be an effective resource for the promotion of transitional justice in Zimbabwe. Metei (2013 cited in

Adebayo 2015:78) argues that responsible information broadcasting should be the key objective of the media. Balanced reportage helps the stakeholders to make informed choices. The Zimbabwean media should freely carry out meaningful research on national problems and possible solutions. The media should also be instrumental in maintaining peace and justice.

10.8.2.3 Civil society organisations

Due to their expressed concern for humanity, meaningful civil society engagement in transitional justice legitimises the processes. Key non-governmental civil society organisations such as CCJP, CPIA, NTJWGZ and GTH have direct links with all potential transitional justice stakeholders. Basing on their extensive fieldwork research strength, civil society organisations are vital in transitional justice processes whose cycle should be: awareness and agenda setting, adoption, implementation, monitoring and evaluation. Through coordination, they can come up with a comprehensive national framework. They can also provide informed technical advice on the awareness, timing, nature, composition and even mandate of transitional justice processes. They should simplify information on transitional justice processes such as trials, reparations, forgiveness, truth recovery, human rights, accountability, and make it accessible to the beneficiaries. Moreover, given their direct contacts with grassroots communities, civil society organisations can act as whistleblowers in violence-prone communities.

10.8.2.4 Opposition political parties and pressure groups

Zimbabwe's more than fifty opposition political parties have a role to play in the country's transitional justice processes. Instead of forging fragile coalition alliances on the election eve, opposition parties and pro-democracy pressure groups should always find common ground through informed policy alternatives. Through nonviolence means, the opposition must compete, not only for political space but in terms of new ideas and willpower. They should be the convergence zone for all democratic-minded actors. While the opposition parties should maximise home-grown options and guard against outright retributive justice, unconditional restorative packages have failed to prevent recurrence of violence in Zimbabwe. A win-win outcome is possible if the opposition draw lessons from past mistakes and be guided by both the context and best practices.

10.8.2.5 The youth

The Zimbabwean youth should be actively engaged in the formulation of sustainable peacebuilding strategies. Their abundant energy and ambitions must be harnessed for the benefit of posterity. Active youth training in conventional education and decision making maximises chances of a violence free future. I recommend that the (Zimbabwean) Ministry of Youth Development must embrace the UNSC Resolution 2250, which seeks to enhance the role of the youth in peacebuilding processes at all levels

(UN 2015). Zimbabwe should, therefore, actively involve the youth in designing developmental frameworks that are compliant to their needs and aspirations. Youth empowerment through intensive lifelong skills makes them agents of the change they want. A better Zimbabwe is possible if the youth are trained to nurture the culture of peace and tolerance. As noted by Banana (1989) Zimbabwe is ‘loaned’ to us by future generations.

10.8.2.6 The business community and labour movements

Lederach (1997) overlooked the role of the business community in peacebuilding. Given that peace and social justice are pre-requisites to sustainable socio-economic development, Zimbabwe’s transitional justice options require the active engagement of both the business community and labour organisations. The business community, in particular can, draw up functional budgets and informed intervention strategies on national challenges such as corruption and mismanagement. The business community should come up with sustainable strategies to deal with socio-economic reforms. The business community should promote distributive justice by dealing with socio-economic structural inequalities (Mani 2002).

10.8.2.7 The international community

The international community is another group of actors overlooked by Lederach (1997). It must be involved in the Zimbabwean crisis because, ‘for too long, the world’s human rights violators have murdered, raped and maimed freely while much of the international community looked the other way’ (Qualman 1998). Active international community engagement in Zimbabwe’s transitional justice processes has the potential not only to support grassroots initiatives, but also to convince ZANU-PF to embrace the best transitional justice practices and to conform to the dictates of the international law which, inter alia, compels nations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Zimbabwe is yet to ratify this convention.

Key peacebuilding players in the international community include SADC, AU, EU, IMF and World Bank, ICC and the UN. They should engage the Zimbabwean Government and work out appropriate resource mobilisation, diplomatic and logistical support strategies aimed at respecting basic human rights and the rule of law. For instance, the international community should impress on ZANU-PF that the call for UNSC reforms should be preceded by good governance at local level.

10.8.2.8 ‘Think tanks’

These can be defined as a convergence of diverse stakeholders such as prominent researchers, peacebuilding practitioners, lawyers, eminent elders and analysts. Their common denominator is that

they make arguments based on empirical research. This research has established that the need for all-stakeholder participation and implementation of the basic components of transitional justice using bottom-top approaches. They make frank recommendations informed by both factual evidence and best practices. For instance, Zimbabwean intellectuals are proposing the idea of a National Transitional Authority, an ad hoc executive authority obligated with the responsibility to make wholesale reforms prior to free and fair elections. Their networking and quest for objectivity, compel them to make in-depth research. They must advise the State on policy matters such as collaboration and international relations. For instance, they should advise Africa leaders on the futility of wholesale pull out from the ICC, and the UN.

10.8.2.9 Grassroots communities

As noted throughout this research, the diverse composition of this group makes it stronger, yet they are vulnerable to all forms of political violence. The leadership includes traditional leaders, religious leaders, elders, ward counsellor and developmental agents such as civil society organisations, teachers and health personnel. The grassroots leadership is seen as a natural symbol of justice and integrity. As noted in the dialogue intervention, if fully maximised, the diverse indigenous knowledge systems can overcome the vulnerability of grassroots communities. I acknowledge the intrinsic merits of local peacebuilding processes advocated by Huyse and Salter (2008 cited in Madenga 2011). Most grassroots communities adhere to their ‘unwritten constitutions’ premised on mutual trust and respect of core values. These bottom-up restorative processes empower the grassroots stakeholders by giving them a voice and the prerogative to confront problems besetting them (Lederach 1997; Iliff 2010).

10.9 Summary

This chapter analysed and discussed the research findings. My action research component was by default; it dawned on me that problem-identification is a significant process in conflict transformation. The victim-perpetrator divide in the grassroots community prompted me to design a dialogue intervention programme to try and transform the community from ‘No’ to ‘Yes.’ I established that politically motivated conflicts, which range from family to community levels are deep-seated and complex. The intervention approach was a learning curve. Engaging prominent community persons such as religious leaders, school heads and traditional leaders gives entry points and legitimises the processes. In addition to enhancing the validity and reliability of the research, the approach empowered participants to become part of the solution. Community-based peacebuilding initiatives can achieve the desired transformation if the right resources and strategies are mobilised. Participants showed potential to let go their past grievances and move on. As advised by Freire (1972:61-62), this is possible if

dialogue is interactive and truth is sought and not imposed. My own emotions were soothed by the participating Priest's catchphrase: 'Forgives is the deepest love to thy neighbour and thyself.' Ironically, even perpetrators are also vulnerable. Therefore, change should begin with an individual.

The emerging data established that multi-transitional justice frameworks can effectively address the Zimbabwean situation. Community-based initiatives would be more effective, but if a national framework like the NPRC is embraced, all-stakeholders participation is critical throughout. Zimbabweans should pay heed to Iliff's warning that, 'If (they) Zimbabweans invest their hopes for justice in a body that remains co-opted by ZANU-PF, they may become frustrated and disenchanted with the entire transitional justice project' (2010:2).

I noted that the issue of accounting for one's actions is equally complex as it entails admission of guilt and the inherent aspects such as remorsefulness apology, forgiveness and justice. In the absence of mechanisms to pursue justice, I found it imperative to attempt to sensitise the community on the merits of local initiatives. The motive was not to prevail on the victims, but to help them to regain self-esteem and dignity by simply choosing to let go the grudges of the past and move on. Through training and networking, participants were influenced to choose the non-retributive path, which leads to a better future. As underlined in the local proverb, *Chinokanganwa idemo* (Victims remember), letting go does not mean forgetting but acknowledging that conflicts are a fact of life. Survivors were urged to forgive then move on with renewed determination. Ironically, closure comes not by forgetting, but by forgiving and keeping the memory gates open. This explains why restorative justice has a win-win outcome. This research established that procedures involved in sincere apology such as admission of guilt, remorse, appeal for forgiveness/ mercy and compensation can, however, be eclipsed by the offender's mere acknowledgement of wrong doing, immediate behaviour change and trust building.

Section V: Conclusion

Chapter 11: Summary, conclusions and recommendations

11.0 Introduction

The previous section (IV) presented, analysed and interpreted the research findings. This section is the last of this thesis. It provides the summary, conclusions and recommendations of the research findings.

11.1 The research aim and objectives

The overall aim of the research was to explore possible transitional justice options for Zimbabwe. The specific objectives were:

- To document the nature, extent, causes and effects of violence in independent Zimbabwe.
- To explore transitional justice options for Zimbabwe.
- To identify the would-be stakeholders in Zimbabwe's transitional justice processes and their roles.
- To draw lessons learnt from the best practices in transitional justice processes.

11.2 The research summary

The research used a mixed methods approach to explore the transitional justice options in post-colonial Zimbabwe. Mutare Central and Mutare South, an urban and rural constituency were purposively sampled. The research was guided by Lederach's Reconciliation Theory which perceives reconciliation as both a painstaking process and an ultimate goal (1997). Based on Psalms 85 verse 10, the theory regards reconciliation as the 'meeting place' where seemingly conflicting elements, namely: truth, mercy, peace and justice should eventually converge. This theory was complemented by Galtung's Triangle of Violence Model which I used to trace the direct (visible), structural and cultural (invisible) forms of political violence in post-colonial Zimbabwe.

Much has been documented about the endemic political violence in Zimbabwe which has been traced to the pre-colonial period (Mukonori 2012; Coltart 2015). A synoptic mapping of the political violence shows that the *Gukurahundi* Massacres, the Fast Track Land Reform Programme, Operation *Murambatsvina* and electoral violence have been nurtured by the forgive and forget framework adopted since independence. The invariably unconditional forgive and forget transitional justice has culminated in the yet to be implemented National Peace and Reconciliation Commission (NPRC). The adoption of this negotiated transitional justice framework (Zimbabwe Constitution 2013: 98 Clause 251) is a clear

indication that Zimbabwe needs to transcend from the prevalent culture of violence and impunity to a culture of peace and justice.

The research established that both the state and non-state actors are concerned about the imminent need, albeit separately, about Zimbabwe's transitional justice. Instead of collaborating, the two groups of actors have even been undermining each other. It dawned on me during my data gathering in the rural sample that there is a need to go beyond mere documentation and analysis of the forms and extent of political violence, and engage the alleged perpetrators and victims in the search for preventive mechanisms. This local context approach, strongly advocated by Lederach (1995), Sending (2009) and Schirch (2013), prioritises active engagement of community actors in a bottoms-up approach. The merits of this community-based approach include inclusive active participation, ownership of the processes and shared visions.

Prioritising the local context does not, however, mean leaving local communities to mind their own business. Instead, it requires a careful study of the conflicting dynamics and full maximisation of the local potential. Understanding the context of the conflict is essential because conflicts are shaped by different variables. Upon realising that my data gathering process in the rural sample had revived the victims' agitations for revenge, and possibly re-traumatised them, I designed a dialogue intervention workshop. The outcomes were encouraging. Through public story-telling, song, drama, poetry and tree planting, participants shared their experiences. Victims were not prevailed upon to relinquish what they are allegedly owed, but the participant-centred approaches trained them on the merits of letting go of the burdens of the past and moving on. This may not be achieved overnight, but I was impressed by the participants' willingness to face the wrongs of the past and the potential to prevent recurrence. Through clinical counselling and skills development, both the alleged perpetrators and victims can change their attitudes and mindsets. Moreover, the interactive activities had the potential to enhance deeper understanding of the violence and to cool down tempers. The experience also helped me to deal with emotions and to clarify some sticking issues.

11.3 Research findings

The research findings are summarised under the projected research objectives.

11.3.1 Objective 1

The first objective sought to document the nature, extent, causes and effects of violence in independent Zimbabwe. Guided by Lederach's reconciliation theory and the transformative research paradigm, this information is imperative in the search for sustainable solutions. In this case, reconciliation characterised by peace and justice is the ultimate goal. Using Galtung's Triangle of Violence (chapter

5), I mapped the political violence in post-colonial Zimbabwe and categorised it into direct (physical and visible), and indirect (structural, cultural and invisible). Tables 9.9 and 9.10 illustrate the nature and prevalence of political violence in post-colonial Zimbabwe respectively. The 88.8 % (Figure 9.3) violence frequency confirms the claims noted in the introduction that systematic violence is rising in Zimbabwe. The research confirms claims that post-colonial Zimbabwe has institutionalised political violence as a means to power. The research established that, ‘...it is not uncommon for the ZANU-PF leadership to extol the ‘virtues’ of violence and its heritage of ‘degrees in violence’ (Sachikonye 2011: xix). The common forms of violence can be summarised as: killing, torture, maiming, amputations, rape, displacements, corruption, food/inputs aid denial, threats, fear, forced assemblies, impunity and lawlessness.

11.3.2 Objective 2

The second objective sought to explore possible transitional justice options for Zimbabwe. This was the prime purpose of this research undertaking. As noted in chapters 9 and 10, the data gathered in objective 1 and the sampled context are the key determinants of the possible transitional justice models in Zimbabwe. The data generated (Table 9.3) suggest that a hybrid, and not a single model can effectively deal with the endemic violence and impunity in Zimbabwe. Possible transitional justice models for Zimbabwe can be summarised as:

- Community-based initiatives
- Judiciary and non-judiciary trials
- Independent Commissions of Inquiry such as Human Rights Commissions

Participants expressed a strong wish for the pursuit of restorative processes based on justice. These sentiments confirm Kaye’s argument that grassroots communities are capable of understanding their challenges and suggesting change (2015). The findings confirm popular claims that political violence and impunity have become so ‘deeply imbedded in our national psyche’ that they have been normalised (Sachikonye 2011; Mukonori 2012; Coltart 2015). I contend that the proposed ‘hybrid’ frameworks must, inter-alia, be legally mandated to recover the truth of what happened through public consultation and prosecution. The mandate should be comprehensive and clear; such as investigating human rights’ violations and the nature and extent of the abuses (Teitel 2003). The mandate should inform the way forward in terms of the frameworks’ structural composition, time frame, reparations, rehabilitation, memorialisation, healing and reconciliation processes and even how to handle the findings (Ayee 2016).

11.3.3 Objective 3

The third objective targeted the identity of would-be actors in Zimbabwe's transitional justice processes and their roles. Table 9.4 shows more than twenty would-be actors in Zimbabwe's transitional justice processes and their roles. This diverse composition ranges from ordinary citizens to the State. I feel that the choice of participants should be determined by both the operational level and the chosen model(s). The roles shown in Table 9.4 seem to apply to national levels. I recommend that in addition to the stakeholders shown in Lederach's pyramid (Figure 4.2), there are other potential relevant actors such as the victims, the perpetrators, the business community, trade unions, the media, and the international community.

There is need to go beyond stakeholder identification, and consider *why* and *how* their participation is critical. The dialogue intervention experience taught me the merits of interaction between the parties in conflict. Such engagements have the potential to promote common understanding and deliberate attempts to find a common way forward. The *why* and *how* questions are critical in the search for the root causes of conflicts and solutions.

11.3.4 Objective 4

The fourth objective aimed to draw lessons learnt from the best practices in transitional justice processes. As noted in chapter 9.2.4, the main research outcomes can be summarised as truth-seeking and acknowledgement of past wrongs, design inclusive healing and reconciliation programmes based on reform and constitutionalism.

11.4 Conclusions

The demise of colonialism in Zimbabwe in 1980 was not synonymous with the end of violence and impunity. Systematic violence has become a means to an end, mainly because no deliberate efforts have been taken since independence to comprehensively deal with the drivers of political violence. Ironically, the State is the most accused perpetrator (Sachikonye 2011; Coltart 2015). This confirms Meredith's claim that the black-white reconciliation promised in 1980 lacked sincerity (2002). The dream start of 1980 which aimed at hammering swords into ploughshares and spears into sickles has turned into a nightmare (Wermter 2017). The claim that the liberator has turned perpetrator is regrettable because violence will never restore justice. This research established that without political will and all-stakeholder participation, transitional justice efforts by both the State and non-State actors will remain futile. Electoral processes must be free and fair. In the name of healing and reconciliation, the efforts will continue to soothe the symptoms, rather than address the root causes. Healing and reconciliation can neither be achieved by wishing the wrongs of the past away nor by prescribing ready-made

transitional justice models. No system is perfect and no system will satisfy every stakeholder but, just ‘forgetting’ is no option (Benoit and Harris 2017; Wermter 2017). Compromise is necessary as we listen to our conscience and account for our past mistakes. As aptly noted by Pope Francis I (2014), ‘Reconciliation is not an isolated act but a length process by which all parties are re-established in love...’ This call for restorative justice approaches requires that stakeholders must move beyond retributive tendencies and see the best in their ‘enemies.’ The benefits of restorative justice can be summarised as:

- Truth-recovery enhances healing and closure
- Offenders can show remorsefulness, apologise and seek forgiveness
- Victims can let go and forgive offenders

The dialogue intervention approach added the action component to the research. The partnership enriched the research outcomes. I learnt through first-hand experience that inclusive participation promotes victim-perpetrator interaction, truth-recovery and formalises restorative rituals such as accountability, institutional reforms, reparations, memorialisation and forgiveness. Participants expressed in no uncertain terms that truth-recovery, the right to justice, compensation, forgiveness and non-recurrence assurances are pillars for successful healing and reconciliation. Therefore, victims must not be kowtowed to relinquish what they are allegedly owed, or socialised to accept a victimhood tag. Instead, they must be trained and empowered to transform adversity into opportunities. Training both the alleged perpetrators and victims in interactive skills-based programmes such as forgiveness can motivate reflection and behaviour change. Maximising both local resources and emerging networking information and communication systems is critical in restoring trust between conflicting parties. Instead of using coercion, the State should consult and listen to the grassroots concerns. A clear understanding of the issues that divide Zimbabweans, at all levels, will inform sustainable solutions.

My action research experience taught me that restorative justice approaches are complex but feasible. In spite of their inherent challenges, restorative justice mechanisms are deeply rooted in Zimbabwean grassroots communities. Interventions must be allowed to run a full cycle which begins with planning (agenda setting), implementation (action), observation (monitoring) and reflection (evaluation) (Kaye 2015).

My action research component simulated most of the African traditional justice systems reviewed in Chapter 7. Every participant in the dialogue workshop had a story to tell. Both the alleged perpetrators and the victims freely narrated their experiences. I am convinced the community interaction brought some measure of healing and closure. As noted by Kemmis and McTaggart (1988), the collective and

reflective nature of the action research approach motivates the participants to critically examine the consequences of their actions. I observed that the initial calls for reparations or apologies subsided, possibly as participants got a better understanding each other and the issues that divide them. This attitudinal and behavioural transformation should be a sustained process. The bottom line is we must forgive for our own sake. Forgiveness liberates. As summed by Jonathan Lockwood Huie (no date), 'Forgive others, not because they deserve forgiveness, but because you deserve peace.' Community-based conflict resolution processes premised on 'context-specific' can provide a template from which Zimbabwe can explore and develop a national transitional justice model. I subscribe to the view that, 'If we no longer deny the truth, no longer try to run away from it, we will no longer walk in the dark, frightened. The truth will free us from terror. We will no longer walk in fear' (Wermter 2017).

This research established that the Zimbabwe context is one of the most complex cases for state controlled transitional justice processes. The alleged ZANU-PF factionalism and succession feuds ahead of the impending 2018 elections have a huge bearing on the future of the country in general and transitional justice processes in particular. The uncertainty, which has brought in the security sector, has been exacerbated by Mugabe's unwillingness to retire (despite his increasing ill health and old age) and facilitate smooth succession, amidst high speculation that his wife is also vying for the presidency. It is a fact that despite its power intrigues, ZANU-PF cannot preside over its demise by facilitating genuine transitional justice processes. The opposition's failure to provide an alternative further dampens the hopes for change.

11.5 Recommendations

My recommendations, drawn from the entire research undertaking, focus on the necessity of all-stakeholder participation and the merits of collaboration.

11.5.1 The State

The impending 2018 general elections provide another transition opportunity. This is the opportune moment for the ZANU-PF Government to redeem itself of the alleged complicity in systematic violence, by ensuring free and fair elections. The research established that Mugabe, a victim-cum-liberator has systematically turned perpetrator. The State should also guarantee the professionalism of the security sectors, parastatals, traditional institutions and the media. The State must also tolerate political pluralism and academic freedom. Commitment to these causes enhances the credibility and legitimacy of the transitional justice efforts. Patriotism must be intrinsic and not patronage or coercive. Above all, the State must oversee the transformation of stakeholder commitment and general political will into practical action.

11.5.2 Non-State actors

The assumption is that the strength of this diverse grouping lies in its like-minded concern for democratic processes. Non-State actors range from civil society organisations, researchers, grassroots and business communities, political activists, independent media, regional and global organisations. These actors should be registered and operate within the confines of the State laws.

Non-state actors should influence national policies through informed research, nonviolent advocacy and dialogue. They should demand the ending of violence, impunity and the reforming of the security sector, the media and parastatals. They should maximise their broad networking with the grassroots, the State and the global world in capacity building stakeholders on a range of issues such as transitional justice best practices and principles. Such best practices and principles must be informed by the local context. The best practices and principles include:

- Truth-recovery and fact-finding
- Trials and non-judiciary mechanisms
- Perpetrator-victim identity
- Media reform to ensure free flow of information
- The right to acknowledgement, accountability and justice
- Reparations/ compensation/ rehabilitation
- Non-recurrence measures such as rule of law and memorialisation
- Mercy, remorsefulness, apology and forgiveness
- Follow-up and follow-up evaluation and monitoring programmes
- Constitutional reforms
- Good governance

Lest they are labelled conflict entrepreneurs, non-State actors should design intervention programmes informed and driven by the local context's needs, interests and positions. They should promote collaborations and synergies, which they can monitor and evaluate through follow-up and follow-through structures. As advised by Colvin (2007), these structures can in junction with local practices, consider the contentious issues such as reparations, memorialisation and victim-support services. Inclusive solutions are effective because they integrate everybody's perspectives and needs (Kaner *et al.* 1996:24 cited in Sawin and Zehr 2007:46).

To ensure the independence and credibility of the chosen frameworks, non-State actors should mobilise funds for national transitional justice frameworks like the NPRC. Sooka (2016 cited in Mushava 2016),

a former commissioner of the South African TRC advises that allowing the Zimbabwean Government to fund the NPRC will compromise its credibility and independence in so many ways. I contend that the NPRC's work must be backdated to the advent of authoritarian politics in the 1960s. The Zimbabwean situation demands that the legacy of the past must be sincerely confronted and a hybrid of measures taken in order to bring closure and assurance that the violations are never repeated (Coltart 2016). Importantly, I learnt from the intervention workshop that the tenets of healing and reconciliation, namely justice, peace, truth-telling and forgiveness are actually inherent in the indigenous knowledge systems, thus providing an available resource not necessarily linked to external actors or International bodies. Ownership and mutual consensus are the key tenets in community-based peacebuilding initiatives.

11.5.3 The State and non-State collaboration

Since the state and non-state actors need each other, they must complement and collaborate on all issues of national interest. Collaboration will enhance applied research, seminars, wide consultation, critical public debates and advocacy. Debates on transitional justice options must be systematic, institutional and linked to all relevant partners, including the grassroots. As underlined by Good Governance Africa (2015), inclusive participation in public affairs ensures accountability, the rule of law, constitutionalism, ownership and sustainable development. Good governance therefore improves the lives of all citizens. As noted by Machakanja and Mungure (2013:109), 'There is a need to take an integrative multidimensional and interdisciplinary approach to the exploration and analysis of transitional justice issues.' The controversies around the impending National Peace and Reconciliation Commission can be cleared through wide consultation, and compliance with best practices and principles. I also propose that social media facility be maximised so that stakeholders from all walks of life can participate. Stopping the recurrence of violence and impunity should be Zimbabwe's top priority. This is possible if public debates are conducted in the context of lessons learnt from the post-colonial elections and the prospects for the 2018 general elections. Since the grassroots bear the brunt of political violence and impunity, their input must be prioritised. Transitional justice without acknowledgement and accountability is as difficult as peace without justice. This research, however, argues that non-retributive assurances to alleged perpetrators can yield desired results. Ending the culture of violence and fear should be Zimbabwe's priority. This research subscribes to truth recovery and all-stakeholder participation as the pillars of sustainable restorative justice.

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APPENDICES

Appendix 1: Questionnaire guide



Dear Participant

The researcher, **MADENGA Innocent** is a PhD Candidate in Peacebuilding at Durban University of Technology. My research topic is: **Exploring Transitional Justice options for Zimbabwe** (*Tsvagurudzo yezvingapedza mhirizhonga muZimbabwe*).

I am carrying out fieldwork research using various instruments. This questionnaire is designed to gather information from you. You are kindly requested to participate in this research by answering the questions below. Your responses will be treated as data so there is no need to write your names. Your identity will therefore be confidential.

Moreover, your participation in this research is voluntary and you have the right to refuse to answer any or all of the questions. You are also free to withdraw your participation at any stage during the data collection process if you feel uncomfortable with some of the questions. *Makasununguka kupindura mibvunzo norurimi rwa Amai* (You can respond in ChiShona).

Research objectives

1. To document the forms (nature), causes and effects of politically motivated violence in Zimbabwe.
2. To identify the potential stakeholders (participants) in Zimbabwe's transitional justice processes.
3. To assess the challenges and opportunities to transitional justice processes in Zimbabwe.
4. To explore possible transitional options for Zimbabwe and ways to sustain the outcome.

1. (a) Your gender (Tick in appropriate box)

Male	Female
<input type="checkbox"/>	<input type="checkbox"/>

- 1 (b) What is your age range? (Tick in appropriate box)

18-25 years	26-36 years	37-47 years	48 and above
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Which forms of political violence do you think this community experienced? (You can tick in more than one box)

Physical eg beatings or killing	Structural eg not given food aid or inputs	Cultural eg name-calling like sell-outs (<i>vatengesi</i>)	All the 3 forms	None

3. Do you think people in the community know the people (perpetrators) who cause political violence in this community? (Tick in one box)

YES	NO

4. What have been the results of political violence in your community? (You can tick in more than one box)

Beatings	Sexual abuse	Injury/ maiming	Loss of property	Deaths	Hatred/mistrust	Revenge/polari sation	Fear/ trauma	Forced migration	Disappearance / more violence

5. What action has been taken by your community leadership to deal with the perpetrators and victims of political violence? (Tick in the appropriate box)

Facilitated dialogue between victims and perpetrators	The perpetrators have been ordered to compensate the victims	No action has been taken

6. Do you know of any actions that have been taken by the government to deal with the perpetrators and victims of political violence? (Tick in the appropriate box)

YES	NO

7. *Kana mati YES panhamba 7, chii chakaitwa kana chiri kuitwa nehurumende kune vanotevera?*
(If your answer on number 7 is YES, what has been done by the government to the following?)

- (a) *Vanoshungurudza vamwe* (perpetrators of political violence)

.....

- (b) *Vanoshungurudzwa* (victims of political violence)

.....

8. *Pane here zviri kuitwa nemasangano etsitsi akaita samakereke kupedza mhirizhonga yezvepolitics? (Do you know of any actions that have been taken by non-State organisations like churches to end political violence in your community?) (Tick in the appropriate box)*

YES	NO

9. *Kana mati YES panhamba 9, ndezvipi zviri kuitwa nemasangano etsitsi aya kupedza mhirizhonga iyi? (If your answer on number 9 is YES, what have these organisations done to end political violence in your community?).....*

10. *Ndedzipi nzira dzinogona kushandiswa kuti vanhu vayanane mu Zimbabwe? (Which transitional justice strategies eg Truth Commissions can be used to achieve healing and reconciliation in Zimbabwe?).....*

11. *Ndaapi mapoka kana masangano anofanira kunge achiita zvorunyararo nokupedza political violence muZimbabwe samakereke? Which participants should be involved in Zimbabwe's healing and reconciliation processes?.....*

12. *Tsvaga nzira dzinogona kushandiswa kuchengetedza runyararo noruwadzano munyika yeZimbabwe? (Suggest possible ways through which peace and justice can be maintained in a democratic Zimbabwe?).....*

TATENDA. SIYABONGA. THANK YOU

Appendix 2: Interview guide for both face-to-face and focus group discussions



TOPIC: Exploring Transitional Justice Options for Zimbabwe

Overall aim: To explore transitional justice options for Zimbabwe.

Central research question: Which transitional justice options are suitable for Zimbabwe?

2.0 Research questions

- 2.1 What is the nature (forms), extent, causes and effects of political violence in Zimbabwe? You can itemise them.
- 2.2 Which transitional justice model would be suitable for Zimbabwe?
- 2.3 Who should be the stakeholders in Zimbabwe's transitional justice processes and what should be their roles?
- 2.4 How can Zimbabwe's transitional justice processes be sustained?

3. Research objectives

- 3.1 To document the nature, extent, causes and effects of violence in independent Zimbabwe.
- 3.2 To consider transitional justice options for Zimbabwe.
- 3.3 To examine the role of transitional justice stakeholders in Zimbabwe.
- 3.4 To draw lessons learnt from the best practices in transitional justice processes.

Thank you for your co-operation

Appendix 3: ICC indictees since 2005

People indicted by the ICC since 2005								
								
Joseph Kony	Raska Lukwiya	Okot Odhiambo	Vincent Oti	Ahmed Haroun	Ali Kouchayo	Omar al-Bashir	Muammar Gaddafi	Saif al-Islam Gani
								
Indicted: July 8 2005 Crimes against humanity: 12 War crimes: 21 Current status: Fugitive	Indicted: July 8 2005 Crimes against humanity: 1 War crimes: 3 Status: Died on August 12 2008	Indicted: July 8 2005 Crimes against humanity: 3 War crimes: 3 Status: Fugitive; reported to have died in October 2013	Indicted: July 8 2005 Crimes against humanity: 11 War crimes: 21 Status: Fugitive; reported to have died on October 2 2007	Indicted: April 6 2007 Crimes against humanity: 20 War crimes: 22 Status: Fugitive	Indicted: April 27 2007 Crimes against humanity: 22 War crimes: 28 Status: Fugitive	Indicted: March 4 2009 Genocide: 3 Crimes against humanity: 5 War crimes: 2 Status: Fugitive	Indicted: June 27 2011 Crimes against humanity: 2 Status: Died on October 20 2011; proceedings terminated on November 22 2013	Indicted: June 27 2011 Crimes against humanity: 2 Status: Arrested on November 19 2012 in U.S.; proceedings terminated on November 22 2013
Abdullah Senussi	Simone Gbagbo	Abdel Rahim Hussein	Sylvestre Ntshumura	Walter Barasa	Thomas Lubanga Dyilo	Germain Katanga	Mathieu Ngujale Chui	Jean-Pierre Bemba
								
Indicted: June 27 2011 Crimes against humanity: 3 Status: Case declared inadmissible on October 11 2013	Indicted: February 29 2012 Crimes against humanity: 4 Status: Arrested on April 11 2011 in Ivory Coast	Indicted: March 1 2012 Crimes against humanity: 7 War crimes: 8 Status: Fugitive	Indicted: July 13 2012 War crimes: 9 Status: Fugitive	Indicted: August 3 2013 Contempt of the court: 3 Status: Fugitive	Indicted: February 10 2008 War crimes: 3 Status: Serving sentence of 14 years imprisonment	Indicted: July 2 2007 Crimes against humanity: 4 War crimes: 8 Status: Serving sentence of 12 years imprisonment	Indicted: July 6 2007 Crimes against humanity: 4 War crimes: 8 Status: Acquitted on December 18 2013	Indicted: May 23 2008 Crimes against humanity: 5 War crimes: 5 Status: Trial began on November 22 2010
Callixte Mbarushimana	Laurent Gbagbo	Bosco Ntaganda	Aime Kilolo Munamba	Fidèle Wamukoro	Jean-Jacques Kabanga	Narcisse Aride	Charles Bie Goudé	Dominic Ongwen
								
Indicted: September 26 2010 Crimes against humanity: 5 War crimes: 6 Status: Charges dismissed on December 18 2011	Indicted: November 23 2011 Crimes against humanity: 4 Status: Case in pretrial stage	Indicted: August 22 2008 Crimes against humanity: 5 War crimes: 13 Status: Case in pretrial stage	Indicted: November 10 2013 Contempt of the court: 3 Status: Case in pretrial stage	Indicted: November 20 2013 Contempt of the court: 3 Status: Case in pretrial stage	Indicted: November 20 2013 Contempt of the court: 3 Status: Case in pretrial stage	Indicted: November 20 2013 Contempt of the court: 3 Status: Case in pretrial stage	Indicted: December 21 2011 Crimes against humanity: 4 Status: Case in pretrial stage	Indicted: July 8 2008 Crimes against humanity: 4 War crimes: 4 Status: Case in pretrial stage
Bahr Abu Garda	Abdallah Banda	Salah Jerbo	Mohammed Ali	Uhuru Kenyatta	Henry Kosgey	Francis Muthaura	William Ruto	Joshua Sang
								
Indicted: May 7 2009 War crimes: 3 Status: Charges dismissed on February 8 2010	Indicted: August 27 2009 War crimes: 3 Status: Fugitive; case in pretrial stage	Indicted: August 27 2009 War crimes: 3 Status: Died on April 19 2013; proceedings terminated on October 4 2013	Indicted: March 8 2011 Crimes against humanity: 5 Status: Charges dismissed on January 21 2012	Indicted: March 8 2011 War crimes: 5 Status: Charges withdrawn on March 13 2015	Indicted: March 8 2011 War crimes: 3 Status: Charges dismissed on January 23 2012	Indicted: March 8 2011 War crimes: 3 Status: Charges withdrawn on March 18 2013	Indicted: March 8 2011 War crimes: 3 Status: Trial began on September 9 2013	Indicted: March 8 2011 War crimes: 3 Status: Trial began on September 9 2013
Source: ICC	Photo: AFP	Source: CITY PRESS 2015			Source: CITY PRESS 2015			

Appendix 4: The Border Gezi (ZANU-PF) youth militia



Appendix 5: June 2008 Elections Violence in Zimbabwe (CPIA Library, Vumba, Mutare)



Appendix 6: Samples of restitution agreement letters

CONFIRMATION OF AGREEMENT

DATE 06 DECEMBER 2008

I, SUNAMISA1 CHIVAMBA of Chivamba village, Chief NHEMA, ZAKA, 1, B number 83-002742 W 83 have agreed to give MASHINGIRE TONGAI of Chivamba village chief NHEMA a beast. This will be as payment of the one slaughtered by the youths and I took part in the sharing, as I got the biggest share.

I have agreed this on the pretext that the complainant, Mashingire will be satisfied and thus no further complaints will be labelled against me.

Thank you.

CHIVAMBA SUNAMISA1 - SIGNATURE - S. Chivamba

WITNESSES

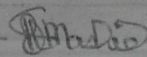
	FULL NAMES	ID NO	SIGNATURE
1	Chivamba Martin	42-081314-H-83	
2	Shindi Anthony	83-017294 E	
3	SHARAVATH JEREMIAH	14-045903 K 83	

CONFIRMATION OF THE AGREEMENT

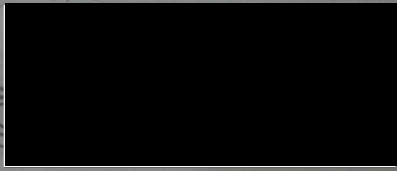
DATE 06 DECEMBER 2008

I, MASHINGIRE TONGAI of Chivamba village, Chief Nhema, Zaka having the I.D. N^o 56-004691 N83 have agreed to collect the beast from Chivamba Sunamisai (accused) as replacement for mine slaughtered during the run-up to the June Presidential Run-off in 2008. I will have no any further complaint against Chivamba whatsoever, be it socially or in the courts of law ^{on} of the issue of the beast or anything related to this. I will then withdraw the case from the court forthwith.
Thank you.

MASHINGIRE TONGAI

SIGNATURE--

WITNESSES

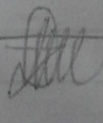
NAME	ID NO	SIGNATURE
1. CHIBWE RAHADS	83-0656346-83	
2. NYARADZO MAFIKAMWANDO	83-139876E8	
3. PEPIKAI MUCHINCHAMIRWA	83-052	

CONFIRMATION OF AGREEMENT.

DATE 06 DECEMBER 2008

Mr. Chivamba Sunamisai of Chivamba village
Chief Nhemba Zaka I.D. N° 83-002742 W 23
have agreed to replace Mr Tongai
Mashingire (same address) his beast slaughtered
during the run-up to the June 27 Presidential
run-off. He has declared on this day that
he will have no further allegations against
~~any~~^{his} accused whatsoever.

I MATIVENGA Z, I.D. N° 83-061133 P 83
F.N° 852720T have witnessed the
session and have therefore joined in
the signing.

 Mativenza

CHIVAMBA S Signs

MASHINGIRE T. Signs

WITNESS = MAEDZA P. S