



**Seeking Reconciliation and National Healing in
Zimbabwe: Case of the Organ on National Healing,
Reconciliation and Integration (ONHRI)**

A Research Paper presented by:

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(Zimbabwe)

in partial fulfilment of the requirements for obtaining the degree of
MASTERS OF ARTS IN DEVELOPMENT STUDIES

Specialization:
**Human Rights Development and Social Justice
(HDS)**

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The Hague, The Netherlands
November, 2011

Disclaimer:

This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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Acknowledgements

Thank you God Almighty for being faithful, it has been a great walk!

I would like to express my gratitude to my academic supervisors Dr Jeff Handmaker and Dr Helen Hintjens for their valuable insights through-out the research process. This journey has been a valuable experience with your guidance and critical feedback. Many thanks also go to the Netherlands Organisation for International Cooperation in Higher Education (NUFFIC) for financial support.

To my mum Mary V. Chipere, your love, consistency and support has been an inspiration in my life.

I am also grateful to my niece Natida and my sisters, Charity Mbire, Rachael Mbire and Beulla Mbire for their great support through-out my academic journey. To my fiancé, Privilege Musvanhiri, thank you for being there and helping throughout the research process.

I also would like to thank organisations and individuals who took part in this research for their time and insightful contributions particularly the victims of torture and political violence both in Harare and Uzumba Maramba Pfungwe; the Organ on National Healing Reconciliation and Integration (ONHRI) for giving me access to their documents and Heal Zimbabwe Trust (Mr Rashid Mahiya) for their support during my fieldwork.

To the HDS 2010/2011 participants and my friends Fatina S. Kiluvia, Sharon N. Ndandula, Jane O. Shuma, Grace A. Chelimo, and Charmaine R.S Manyani, thank you for the companionship.

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List of Acronyms

| | |
|---------|--|
| AIPPA | Access to Information Protection of Privacy Act |
| CSOs | Civil Society Organisations |
| CSU | Counselling Services Unit |
| GPA | Global Political Agreement |
| HZT | Heal Zimbabwe Trust |
| MDC | Movement for Democratic Change |
| NHRIs | National Human Rights Institutions |
| NPRC | National Peace and Reconciliation Council |
| ONHRI | Organ on National Healing Reconciliation and Integration |
| POSA | Public Order and Security Act |
| STERP | Short Term Emergency Recovery Programme |
| UMP | Uzumba Maramba Pfungwe |
| UNDP | United Nations Development Programme |
| WCOZ | Women's Coalition of Zimbabwe |
| ZANU PF | Zimbabwe African National Patriotic Front |
| ZAPU | Zimbabwe African People's Union |
| ZLHR | Zimbabwe Lawyers for Human Rights |

Abstract

This study explores the Organ on National Healing Reconciliation and Integration (ONHRI)'s role in promoting reconciliation and national healing in Zimbabwe. In this paper, I examine reconciliation efforts using ONHRI as the unit of my analysis. The ONHRI was established in 2008 in line with Article 7 of the Global Political Agreement (2008) signed between the ruling party Zimbabwe African National Patriotic Front (ZANU PF) and the opposition Movement for Democratic Change (MDC) formations to end a political stalemate that had resulted in numerous human rights violations. Although the ONHRI was created in response to the 2008 election violence and human rights violations thereof, its timeline stretches to include both pre and post-independent periods of violent conflicts in Zimbabwe. Whilst I am cognisant of the wide time range for ONHRI's work, in this paper, I place much focus on Zimbabwe's recent past (the period after 2008) as most efforts towards reconciliation (including CSOs' work) are in response to 2008 violence.

In this paper, I adopt an exploratory approach to ONHRI's work considering that this institution is still evolving. I use concepts that include restorative justice, reconciliation, healing, truth telling and memorialisation to explore and analyse Zimbabwe's model of reconciliation and national healing. International guidelines particularly, the Paris Principles further inform my analysis of the work of ONHRI as a national institution working to promote human rights in the aftermath of incidences of organised violence. Alternative visions of reconciliation are also presented in the paper drawing key points from literature, perceptions from civil society and a few lessons from the South African Truth and Reconciliation Commission.

Relevance to Development Studies

Issues of reconciliation and national healing form a significant part of the broader framework of transitional justice which is critical in the development of countries particularly in the post conflict period. To map a way forward either in economic or social development, countries in transition need to find ways to deal with their past experiences.

Keywords

Reconciliation, National Healing, Transitional Justice, ONHRI, Zimbabwe

Chapter 1 Introduction

In this paper I seek to explore reconciliation and national healing issues in Zimbabwe particularly the role played by the Organ on National Healing Reconciliation and Integration (ONHRI). I establish how the social and political environment has influenced the work of ONHRI. I also examine the role played by Civil Society Organisations in promoting national healing and reconciliation in Zimbabwe both independently and in interactions with ONHRI. My analysis is grounded on the different concepts of reconciliation that include healing, truth telling and memorialisation. International guidelines mainly through the Paris Principles also broaden the framework of my analysis. The purpose of this study is to reveal the different struggles encountered by ONHRI in promoting reconciliation and national healing. The study goes further to map how ONHRI can effectively make a meaningful impact in promoting reconciliation and national healing in Zimbabwe.

Issues of reconciliation have generated much discussion in Zimbabwe over the past couple of years a major highlight being the ‘Civil Society and Justice in Zimbabwe’ Symposium convened in Johannesburg in 2003. The symposium was held in response to cases of election related human rights violations (including organised torture and violence) that had occurred in Zimbabwe since the year 2000. As stated in the Human Rights NGO Forum Report (2006:8), the pressure for talks between the then ruling Zimbabwe African National Union Patriotic Front (ZANU PF) party and opposition Movement for Democratic Change (MDC) that was being imposed by the international community and neighbouring countries was perceived as presenting an opportunity for seeking re-dress for different human rights violations that had occurred in Zimbabwe’s past. Human rights organisations and other civil society members were keen to ensure that transitional justice issues also found a place in these discussions.

These discussions however, did not result in any significant change as the political scene remained unchanged with talks between the political parties stretching without substantive changes. As stated in the Human Rights NGO Forum report (2006:8) a “political settlement or indeed any kind of meaningful talks designed to address the Zimbabwe crisis did not materialise”. The issue was to be revisited and reached its peak in 2008 when levels of politically motivated violence increased in the run up to the presidential, parliamentary and senatorial elections.

As reported by Human Rights Watch (2008a:6), ordinary people, political activists and supporters in particular were subjected to numerous human rights violations through violent assaults, torture, rape, murder, illegal detentions and destruction of property. The violence that resulted in up to 1200 deaths, 5000 victims of beatings and about 36 000 displacements is alleged to have been perpetrated mostly by supporters from the ruling party ZANU PF and

¹ These figures may be subject to contestation. No comprehensive research has been done in the country to document statistics of the violence.

members of the security forces in an effort to consolidate the ruling party's power (Human Rights Watch 2008a:6).

A critical analysis of the events in the run up to the elections reveals that the material circumstances of life in which people found themselves in characterised by high unemployment rates at 80% (Chitiyo et al 2008:340), hyper-inflationary environment, shortage of basic commodities, near collapse of industry, shut down of the stock market, closure of hospitals played a critical role in the eruption of violence. As Bond and Manyanya (2003:67) argue, Zimbabwe's "plunging economy" contributed to a sense of unease and frustration among the population. This created a tense atmosphere and subsequent eruption of violence in 2008. ZANU PF's nationalism discourse was exhausted as people wanted more tangible benefits as opposed to the nationalism rhetoric (Bond and Manyanya (2003:67). In a bid to achieve political gains during the election, violence became a necessary weapon (Bond and Manyanya: 273). Human rights abuses were committed in the chase for political victory.

The violence during the 2008 election period, mounting pressure from the regional and international community, delay in announcement of the election results as well as President Mugabe's 'victory' all culminated into concrete negotiations for an inclusive government between the then ruling party and opposition parties. The inclusive government was eventually formed in 2008 following the signing of the Global Political Agreement (GPA 2008) between the ZANU PF and the two MDC formations. Upon establishment, the inclusive government was confronted by a complex socio economic and political environment in which it had to operate in. Among the many issues that needed attention was the issue of transitional justice. It is within the context of the GPA (2008) Article 7 (c) in particular that the need for transitional justice was recognized;

...shall 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 political conflicts... (Zimbabwe Global Political Agreement 7(c) (2008))

This provision as enshrined in Schedule 8 to the Constitution of Zimbabwe gave impetus to the establishment of the Organ on National Healing, Reconciliation and Integration (ONHRI) in 2008 to spear head reconciliation, integration and cohesion.

The establishment of ONHRI was a milestone in that it offers the first step to national discussion on transitional justice issues specifically reconciliation and national healing. The ONHRI is chaired by representatives of the three main political parties in Zimbabwe, ZANU PF and the two MDC formations and it seeks to ensure "restoration of the dignity of all Zimbabweans regardless of age, gender or creed: to achieve peace, stability, unity and prosperity for individual Zimbabweans, their families, communities, organizations and the country as a whole" (ONHRI, 2010).

Although the government established the ONHRI in 2008, communities that were largely affected by the violence have not gone through a process of reconciliation and the government has also not done any official investigation

on the allegations. Cases of political violence continue to be reported in the media²; a clear sign of the prevailing tense environment in the country and political intolerance among people. This paper therefore explores the struggles of reconciliation in Zimbabwe through the ONHRI. The paper examines structural constraints that have impacted on the work of ONHRI as well as the institution's potential.

In this paper I evaluate the potential of the ONHRI in fostering reconciliation, healing and integration in communities in the context of competing factors brought by a complex social and political environment. I explain how issues of restorative justice were given less priority in post-election violence in Zimbabwe. ONHRI is set up in a slightly different manner from other institutions that have been set up in the region, for instance the South African Truth and Reconciliation Commission (TRC). This study uses the TRC as a comparative example that Zimbabwe can draw lessons from whilst cognizant of the fact that the two institutions were established in different contexts.

1.2 Research Problem

Issues of reconciliation and national healing have been raised over time as critical processes in restoring societies following violent experiences (Carey et al 2010). Despite the significance of such processes to the overall development of a country, reconciliation and national healing efforts in Zimbabwe have suffered numerous set-backs. Zimbabwe has encountered violence at different periods particularly during elections for instance in 2000, 2005 and 2008. In all the electoral periods, violent clashes between the MDC and ZANU PF were experienced resulting in the beatings, murder, illegal disappearances, torture as well as destruction of property.

It was only after the signing of the GPA in 2008 (to settle the political impasse) that the government acknowledged the need for efforts towards reconciliation and national healing as a way to deal with past episodes of violence. The signing of the GPA (2008) (with a clause on national healing and reconciliation specifically Article 7) opened a possibility for wider discussions around transitional justice as it resulted in the establishment of the ONHRI. The challenge however, lies in that despite the formation of ONHRI communities largely remain without going through reconciliation and national healing processes. The ONHRI is facing various challenges to realize its mandate of ensuring reconciliation and national healing. This study therefore explores the social and political constraints being experienced by the ONHRI. Considering that one of the main challenges for ONHRI is a limited mandate, this paper critically discusses alternative approaches that can be used to broaden ONHRI's mandate and therefore effectiveness.

² The Mail and Guardian (2011) for instance reports of ZANU PF supporters attacking MDC supporters during a rally.

1.3 Research Objective and Question

The main objective of this paper is to explore the struggles of reconciliation in Zimbabwe through the ONHRI. The paper examines structural constraints that have impacted on the work of the ONHRI as well as the institution's potential. The sub-objectives for this paper are to establish how the social and political environment impacts on the work of the ONHRI. This paper also explores the role played by other civil society organizations in supporting ONHRI and making independent contributions to reconciliation and national healing. The paper also explores ONHRI's potential for future work.

Main Research Question and Sub questions

How has Zimbabwe's social and political context influenced the ONHRI's ability to promote reconciliation and national healing?

This research answers sub questions on the role played by ONHRI in promoting national healing and reconciliation and the effect of social and political factors on the work of the ONHRI. The research also explores ways through which ONHRI's role in promoting reconciliation and national healing can be broadened from a transitional justice perspective. ONHRI's interaction with civil society organisations working in the field of national healing and reconciliation is also examined.

1.4 Relevance and Justification

Personal Motivation

My personal interests in this study came from an International Women's Day Commemoration that I participated in in 2009 under the theme '*Women and men united to end violence against women and girls*'. This conference was organised with the idea of fostering unity among people despite their political affiliation in line with the newly established inclusive government at the time.

In line with the prevailing context of 'inclusivity' at that time, politicians advised their supporters to dress in their political regalia and mingle with each other as a sign of unity (which the people did). These seemingly simple gestures made me to question what reconciliation meant in every sense of the word. Was reconciliation that simple? Would a mere handshake (after the signing of the GPA by the three political parties) bring people's relationships back to normalcy? All these questions led to an interest in exploring further what reconciliation would mean for Zimbabweans.

Academic

Although reconciliation issues have been researched in Zimbabwe, most research until recently has focused on the post-independence period (Raftopoulos and Savage (2004) and Huyse (2003)). Research on post-independence reconciliation efforts reveal that the government's approach has been largely on forgiveness where perpetrators are not brought to account for their actions (Raftopoulos and Savage 2004; Huyse 2003; Mashingaidze 2010). President Mugabe's statement at the onset of independence in 1980 sums up the policy on reconciliation at that time,

...If yesterday I fought you as an enemy, today you have become a friend and ally with the same national interest, loyalty, rights and duties as myself. If yesterday 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. (Mugabe 1980, Raftopoulos and Savage 2004)

Various authors (Raftopoulos and Savage (2004), Mashingaidze (2010) and Huysse (2003) argue that the lack of a clear policy on reconciliation at independence as well as amnesty for perpetrators has also influenced the impunity experienced in present day Zimbabwe. In this paper I review how the President's perception of reconciliation (as stated in the quote above) in post 1980 liberation war might have had an impact on present day processes that are being undertaken by the ONHRI.

Most academic work on transitional justice issues in Zimbabwe discusses the theory outside of the work of ONHRI. The few researchers that have written on ONHRI lack explorative information on the work of the institution as well as clarity on its mandate. Mashingaidze (2010) has written on reconciliation and national healing in Zimbabwe, but his thesis does not have an in-depth analysis of the work of the ONHRI and other NGOs operating in Zimbabwe. He argues that the failure of a reconciliatory process is largely due to the lack of clear and binding instruments but does not elaborate on this aspect.

This paper therefore elaborates on this aspect through exploring the mandate of the ONHRI and the work it has done so far amidst a set of structural constraints. Mashingaidze (2010) argues that the reconciliation process in Zimbabwe has a racial bias, an aspect this paper interrogates. Unlike Mashingaidze (2010)'s mere reference to the concepts of truth, justice, restitution and memorialisation, this paper builds a theoretical framework with reconciliation, truth, healing and memorialisation as key elements for analysis.

1.5 Area and Scope

The GPA, Article 7 (c) in particular has been criticized for its vagueness in describing human rights issues and has been blamed for the lack of a clear cut map for reconciliation issues in Zimbabwe (Machakanja, 2010). This paper reveals how the ambiguity presented by the provision has impacted on the work of the ONHRI. More broadly, the paper explores the structural constraints (in terms of policy framework, political and social challenges) that have affected the work of the ONHRI as well as other stakeholders working on reconciliation issues in Zimbabwe. The paper also attempts to build on du Plessis and Ford (2009: 79)'s argument that "an international legal framework not only forms a backdrop to national choices on justice and reconciliation, but may shape and even constrain the institutional and procedural options available". This is done within the context of the ONHRI, its legal framework as well as operations.

As mentioned earlier, ONHRI's mandate covers reconciliation issues in both the pre and post independent periods in Zimbabwe³. As such, I avoid setting time limits on the periods of violence to be discussed. I am however, cognisant of the fact that the establishment of ONHRI was largely a response to the violence that had escalated in 2008. As an immediate issue that need attention at the present moment, I give more reference to 2008 and the work (both by government and CSOs) in promoting reconciliation and national healing.

1.6 Research Methodology

This paper is based on qualitative research consisting of collection of primary and secondary data through various methods (in-depth interviews and informal conversations). In this section, sources of primary and secondary data will be discussed.

Primary Data

Primary data was collected through a combination of in-depth interviews and informal conversations with a total of 24 respondents (see Appendix 4). In-depth interviews were held with key informants mainly from the ONHRI and CSOs. Judgemental or purposive sampling was used to select the organisations for interviews and at a later stage snow-ball sampling technique was used to select contact persons in the organisations based on referrals. The snow-balling helped the researcher in gaining access to specific respondents as most human rights organisations in Zimbabwe are reluctant to entertain researchers who come without being referred from elsewhere. In-depth interviews proved to be useful as the researcher had more room to probe and also gave respondents room to explain and give detail to the questions they were being asked.

Two Directors from the ONHRI were interviewed in this research and these were selected by the institution for this particular research. Eight individuals from NGOs working on reconciliation and national healing issues were interviewed to inform this research on their interactions with ONHRI as well as their independent work they have been carrying out on the ground: Zimbabwe Lawyers for Human Rights (ZLHR), Women's Coalition of Zimbabwe (WCOZ), Counselling Services Unit (CSU), Heal Zimbabwe Trust (HZT 2 individuals), Youth Alliance for Democracy Zimbabwe (YAD), Zimbabwe Human Rights NGO Forum and Zimbabwe Liberators Platform.

Members from opposition political parties MDC T (1 person) and MDC (a total of 2, one male and 1 female) were also interviewed. Access to ZANU PF proved to be a huge challenge thus no ZANU PF member was interviewed. Interviewing of representatives of political parties was critical to the research as political parties played a big role in the perpetration of violence in different historical periods. Their perceptions on the role of the ONHRI as well as the

³ "...shall give consideration to the setting up of a mechanism to properly advise on what measures might be necessary and practicable to achieve national healing...in respect of victims of pre and post-independence political conflicts". GPA Article 7 c)

reconciliation discourse in Zimbabwe are of great significance to the future of the institution.

An in-depth interview was done with a prominent human rights lawyer in Zimbabwe Mr. Alec Muchadehama. In-depth interviews were also conducted with a male print media journalist (in Harare), a female University of Zimbabwe student, a farmer and a victim of 2008 violence in Uzumba Maramba Pfungwe. Two informal conversations were conducted with individuals (in Harare) and their names have been withheld by the researcher to maintain their anonymity.

Whilst the researcher had planned to hold a focus group discussion in a rural community, this was not feasible due to the tense atmosphere in Uzumba Maramba Pfungwe (UMP) at the time of field work. The researcher ended up holding two in-depth interviews (with a farmer and a victim of the 2008 violence) and four informal conversations with individuals in the area (including victims of the 2008 violence) to get people's perceptions on ONHRI in relation to the political violence they experienced. The area enabled me to gain insights on how victims of violence perceive ONHRI.

Secondary Data

Secondary data was obtained through researching in books, the media, government documents and NGO reports. Documents generated within the ONHRI were reviewed to shed more light on the work the institution has been carrying out. NGO reports on transitional justice in Zimbabwe as well as human rights reports also proved to be useful to this research.

1.7 Ethical Considerations and Limitations

In collecting primary data for this research, I took ethical considerations. Before conducting interviews, I provided my respondents with background information on my research (Appendix 3) and sought their consent by asking them to sign a consent form (Appendix 2). In writing this paper, I respected my respondents' request to remain anonymous for security reasons. Due to high polarisation in Zimbabwe, revealing certain sources may pose security risks to respondents in this research.

Challenges for this research were in the availability and accessibility of data both from the government and NGOs. Challenges were experienced in gaining access to some documents from the ONHRI on the work the institution has been doing since its formation. The researcher had to rely on existing contacts for more information. The researcher also experienced challenges in setting up of appointments as some potential respondents cancelled appointments on short notice. While on the way to a research site (Uzumba Maramba Pfungwe) the researcher experienced a breakdown which hampered the researcher's witnessing of a memorial service of a victim of 2008 election violence. Fortunately there was another community that was accessible for informal conversations with victims of political violence.

A culture of fear to speak out among Zimbabweans is another challenge the research had to deal with. Generally, people in Zimbabwe are afraid to speak out especially to strangers fearing that the information may be used against them. This was experienced at various levels during the field. Some human rights NGOs for instance, were reluctant to speak to me as the

researcher so much that I had to rely on my networks in civil society to get referrals. To gain access to victims of political violence and other ordinary people in Uzumba Maramba Pfungwe (UMP), I had to organise to be part of a field trip that was being carried out by Heal Zimbabwe Trust (HZT), a well-known NGO in the area. I chose to go to UMP mainly because it is one of the most politically volatile areas in Zimbabwe. Over the years (since 2000), UMP has been predominantly ZANU PF so much that opposition supporters are constantly under scrutiny and are targets for violence once their political affiliation is made public.

1.8 Structure of the Paper

This paper is structured into five chapters. The introductory Chapter has laid out the foundation of the paper presenting a background to reconciliation in Zimbabwe, research objectives and research questions. Chapter two discusses the framework for analysis which will be used in the analysis of research findings. The framework is derived from the broad framework of transitional justice and revolves around concepts of reconciliation, truth telling, healing and memorialisation. International guidelines on National Human Rights Institutions (NHRIs) in particular the Paris Principles are also discussed in this chapter. Chapter three provides a contextual overview of transitional justice issues in Zimbabwe since the 1980 war of liberation until the recent past. This chapter helps give an understanding of how reconciliation and national healing issues are situated in the country's political and social environment. Research findings and analysis are presented in Chapter four. The research findings are presented according to themes based on information generated from the field. Chapter five draws conclusions on this research based on a reflection on the research objective and questions vis-à-vis the research findings.

Chapter 2 –Reconciliation and National Healing: Key Concepts

Introduction

This Chapter discusses the framework for analysing the findings of this research. Reconciliation and national healing both emanate from a broader framework of transitional justice. Thus, the theoretical framework for this research centres on the following concepts of transitional justice; reconciliation, restorative justice, truth telling, healing and memorialisation (see full discussion below). International guidelines on National Human Rights Institutions (NHRIs) in particular the Paris Principles also form part of the framework for analysing this research and is also discussed in this chapter.

2.1 Transitional Justice

Transitional Justice has grown over the years to be a huge industry so much that a single Google search I undertook on transitional justice produced 2 20 000 results in 16 seconds. Many models of transitional justice have been tabled and some have been transplanted from one country to another (Carey et al 2010). Similarly, in Zimbabwe, various NGOs have ‘sprouted’ to deal with transitional justice issues and they have come up with different models of transitional justice. As mentioned in the introductory chapter, the signing of the GPA (2008) in Zimbabwe presented an opportunity for more direct efforts towards issues of transitional justice more so reconciliation and national healing. The signing of the GPA (2008) also saw the increased injection of donor funds into the country (through Civil Society Organisations) directed towards transitional justice. The impact made by these organisations including the ONHRI is however, yet to be evaluated. In this paper, I will focus on exploring the role of ONHRI in promoting national healing and reconciliation and the different structural constrains it has experienced.

For the purposes of this study, I chose Roht-Arriaza (2006: 2) definition of transitional justice as referring to;

... a set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and that are aimed at confronting and dealing with past violations of human rights and humanitarian law.

The notion of transitional justice seeks to ensure that all critical aspects that contributed to violent conflict are addressed (Carey et al 2010). Transitional justice refers to both legal and non-legal measures that are taken to deal with human rights violations. There is therefore no one formula to transitional justice as different societies prioritise different elements (retributive and/or restorative justice) depending on the needs of their communities. Retributive justice is concerned with the establishment of the rule of law and ensuring that perpetrators are held accountable (Carey et al 2010). Whilst the retributive approach to justice plays a critical role in ensuring reconciliation, this paper

focuses on restorative justice mainly because the ONHRI's theorisation of healing and reconciliation is restorative in manner. There is furthermore no mention of retributive measures to deal with the past. The Ministry of Justice in Zimbabwe also does not make deliberate efforts to punish perpetrators. As revealed by Moyo (2010:26), the independence of the judiciary system is highly compromised by the influence of the executive.

2.2 Restorative Justice

In this paper, I have chosen Carey et al (2010)'s articulation of restorative justice as concerned more on rebuilding relationships in communities so that people are able to deal with their past differences, live and work together peacefully. Restorative justice focuses more on the victim as it seeks to move beyond ensuring accountability for perpetrators to consider how victims and the community deal with the aftermath of a violent experience. The focus on the victim is also based on the understanding that the victim is the most directly affected by the crime and should therefore play a critical role in "determining how to right the wrong" (Hill 2009: 118). In this paper, I assess the extent to which victims of violence have a say in ONHRI's national healing and reconciliation programs.

Involvement of victims, perpetrators as well as the community is a critical aspect of achieving restorative justice as it helps minimise return to violence. This is where traditional systems of justice such as the Rwanda's gacaca system come into play to build relationships among people and make them face each other again (Clark 2007). Perpetrators are encouraged to take responsibility for the offenses they committed while victims are encouraged to listen to the confessions and try to establish new relationships built on a new political environment. Considering that gross human rights violations cause harm not only to those directly victimised but to the whole community, collective as well as individual responses are required (Cunnen and Hoyle 2010: 16-17). Emphasis is on restoration of society to harmony and helping victims and perpetrators to create new relationships as opposed to punishment for past wrongs.

Restorative justice is concerned with restoring and building relationships rather than pursuing criminal and punitive justice (Mark 2007). Proponents of the restorative approach like Mertus (2000) acknowledge the significance of punishing perpetrators but argue that healing of victims requires much more than punishment. Clark (2007:8) further asserts that the "punishment of criminals is necessary but should be facilitated in ways that allows perpetrators and victims to rebuild relationships". This paper examines the way in which punishment of perpetrators of violence is dealt with in ONHRI's interventions.

Traditional systems of justice that promote reconciliation are also valuable to the success of reconciliation processes. Communities often identify with traditional norms they are familiar with and most of the times their own. Within the Southern African region, various countries have undergone processes of reconciliation in the aftermath of colonial rule and other internal violent conflicts. As Colvin (2007:326) states, most of these processes have been state led with civil society organisations playing a more critical role bridging the gap between "elite level political discourses of reconciliation and local

understandings of reconciliation”. Zimbabwe’s traditional leadership structure therefore has a role to play in ONHRI’s initiatives.

Cunnen and Hoyle (2010) however, argue that for restorative justice to take place effectively, certain preconditions should be met. For instance, perpetrators of various atrocities must have stopped committing crimes and or admitted to committing offenses and must also be willing to reform and participate in rebuild the community Cunnen and Hoyle (2010: 89-90). In this case, countries or communities with perpetrators who are still at large and in denial of taking responsibility for inflicting harm on people are not ready to go through restorative justice. This pre-condition for restorative justice is crucial to the analysis of the ONHRI in promoting national healing and reconciliation (from a restorative perspective) in Zimbabwe’s current situation.

2.2.1 Reconciliation

Although the concept of reconciliation is highly contestable, this research paper adopts a working definition. Clark (2007:340) conceptualises reconciliation as a process that

...involves the rebuilding of fractured individual and communal relationships after conflict, with a view toward encouraging meaningful interaction and cooperation between former antagonists....

Reconciliation goes beyond the absence of physical violence to relations between people. Reconciliation, however, requires the reshaping of relationships to lay the foundation for future interactions between them. Efforts should penetrate to individual levels of relationships.

Schaap (2008) argues that reconciliation promotes unity but is not necessarily premised on seeking to ensure communities have the same perception towards issues. Instead, what brings people together is the acknowledgement that a wrong was done and that needs to be worked on in the form of reconciliation. This paper explores how reconciliation is perceived in the Zimbabwean case in as far as management of political views is concerned. People’s perceptions have an impact on the success or failure of any programmes the ONHRI may embark on.

Mark (2007) asserts that reconciliation is much more than co-existence as it also involves the importance of meeting basic human needs such as food, shelter and health care following conflict. Issues that include dealing with impunity of perpetrators, reparation for victims as well as equality for marginalised groups are pertinent to reconciliation. Addressing root cause of the conflict is also important as this helps prevent future conflicts. This paper uses Mark (2007:6)’s conceptualisation of reconciliation (as relationship-building process) to analyse the reconciliation efforts in Zimbabwe both by the ONHRI and other stakeholders. Mark bases her notion of reconciliation on the International Institute for Democracy and Electoral Assistance (IDEA)’s theory which points out that the four critical aspects for reconciliation are; (i) restorative justice, (ii) truth-telling, (iii) healing and (iv) reparation. In this paper, I however, only focus on the first three components leaving out reparations. This is because the aspect of reparations falls outside the scope of reconciliation

efforts in Zimbabwe both by government and CSOs. Although critical to overall reconciliation and healing processes, the issue of reparations may be challenging to apply in my analysis.

Healing and Reconciliation

According to Mark (2007) and Amadiume and An-Naim (2000), healing is an attempt to address sources of physical or emotional pain and restoration of human dignity. Clark (2007) however, highlights the fact that healing and reconciliation are treated as if they were the same by some authors. For instance, Galtung (2001: 3) interprets reconciliation as a “process of healing the traumas of both victims and perpetrators after violence, providing a closure of the bad relation”. For Galtung (2001), reconciliation is a result of closure on the past and healing. The paths to healing may differ and this can be at community, national as well as individual levels. The idea is to reduce the chances of victims avenging and becoming perpetrators of violence in the process.

According to Hamber (2003:77-89), healing should be personal but with a grounding in the social context. Psycho-social programmes, counselling, self-help support group and symbolic forms of healing form part of the healing process. In this case, the different levels at which ONHRI is promoting healing and reconciliation are assessed. Programmes as well as symbolic forms of healing are also explored in relation to OHNRI’s work. Amadiume and An-Naim (2000) argue that despite the fact that societies choose different paths to reconciliation and healing, memory and truth telling remain pre-requisites for effectiveness.

Truth Telling and Reconciliation

It is argued that, for reconciliation to occur, an exchange of truths is required. Involved parties must be given a chance to present their ‘truth’ and be heard. In the words of Jenkins (2002: 251), the search for truth is ‘a collective enterprise, in which we learn from each other’. The concept of truth is in itself highly contestable as establishing truth is a complex process. As Freeman and Hayner (2003) point out, truth-telling may be established through a truth commission mandated to lead a transition to a democratic and peaceful environment. The extent to which ONHRI tackles the issue of ‘truth’ is addressed in this paper. The case of South Africa’s Truth and Reconciliation Commission provides a frame through which the work of the ONHRI may be explored particularly how the concept of truth is dealt with. Despite the fact that the context of the SA TRC and ONHRI may be different, Zimbabwe can draw a few lessons from regional countries.

While the use of truth commissions is most popular, some countries have come up with history commissions to get historical account of the past (Freeman and Hayner (2003)). The inquiries are often official and more powerful than non-governmental organisations’ reports. In some countries however, CSOs have taken it upon themselves to document violations and expose state led abuses (Freeman and Hayner (2003)). This is normally in contexts where governments are not willing to establish the ‘truth’.

Some critics of the importance of truth telling in reconciliation processes however argue that “it is putting too much faith in truth to believe that it can

'heal' Ignatief (2001:6). Critics further argue that what is established is not necessarily the truth but a 'national myth' to enable a society to move on after violent conflict.

2.2.2 Memorialisation

According to Amadiume and An-Naim (2000:31), "a people who do not preserve their memory are a people who have forfeited their history". Looking back at the past helps in exploration of a past wrong which can;

...serve as entry points into any evident malaise within societies, into an understanding of the eruptions that confound even our grossest projections of the capacity of humanity for unconscionable acts of violation against its own kind (Amadiume and An-Naim (2000:22)

A reflection on what transpired in the past including the role played by both victims and perpetrators enables projection of future violations and can be used in preventing a repeat act.

Memorialisation can be demonstrated by the erection of public memorials and these may be "physical representations or commemorative activities" situated in public spaces in memory of past events (Brett et al 2007:1). These memorials are a sign of public acknowledgement of an event or people involved. According to Brett et al (2007), communities perceive public memorialisation as central to justice, reconciliation and reparations. As people experience or are affected by violations differently, memorialisation gives public acknowledgement of private experiences (ibid).

Although critical to the process of restoring communities, the issue of memorialisation remains controversial. Most work on memorialisation has been "elite driven, national programmes that have honoured a narrow range of politically connected individuals" (Colvin 2007:328). This aspect is critical to the analysis of how the issue of memorialisation is dealt with in reconciliation efforts in Zimbabwe. Issues of memorialisation are also intertwined with traditional rituals that entail communication with ancestors. In this case, the concept of reconciliation helps reveal how traditional leaders in Zimbabwe have a role to play in the reconciliation of community members.

2.3 International Guidelines on National Human Rights Institutions

International guidelines for the work of National Human Rights Institutions (NHRIs) are largely drawn from the Paris principles (1993)⁴ as they give direction on factors relevant to the establishment, management and role of such bodies. These principles are critical to the assessment of human rights institutions' effectiveness (Murray 2007 and Dinokopila 2010). According to the Paris Principles (1993) NHRI refers to a national body that is established to promote and protect human rights and prevent human rights violations. As stated by Dinokopila (2010:29), these institutions range from human rights

⁴ Paris Principles are a set of guidelines that were compiled during a 1991 workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris.

commissions, office of the ombudsman, anti-corruption commissions, and specialist commissions. In the case of Zimbabwe, the work of ONHRI constitutes efforts towards re-dress of past human rights violations. As such both the Paris principles (2003) are applicable in analysing the role played by ONHRI in promoting reconciliation and national healing. The African Charter on Human and People's Rights also gives states a duty to establish national institutions that promote and protect rights in the Charter.

According to the Paris Principles (1993), NHRIs are expected to be able to work close enough with government to be able to influence it but should also be independent. The independence of the institution can be achieved through the appointment of members of the institution through "an official act which shall establish the specific duration of their mandate" (Paris Principles 1993) Section 2 (3) on Composition and guarantees of independence and pluralism). The Paris principles clearly state that NHRIs' mandate and composition should be clearly specified in a constitution or other legal provisions. This is further affirmed by Murray (2007) who shows the significance of a constitutionally enshrined mandate using the SA TRC as an example. The ONHRI's mandate and composition as provided by legal provisions has a bearing on its performance. This paper therefore explores ONHRI's legal framework and how it affects its work.

NHRIs are also expected to be exemplary and be the benchmark upon which upholding of rights and compliance to international instruments can be measured (Paris Principles 1993, Section 1(3b & c). The extent to which ONHRI pursues protection of human rights in its role of promoting reconciliation and national healing is also critical to its overall impact. NHRIs are further projected to have more political clout than NGOs but should act as a bridge between government and NGOs (Paris Principles (1993); Murray (2007) and Dinokopila (2010)).

The United Nations (UN) and its agencies that include UN Development Programme (UNDP) have given considerable attention to NHRIs and have applied the Paris Principles in their interactions with states (Murray, 2007). The agencies have strived to financially support NHRIs as they realise the importance of a sound financial stand for human rights bodies (Murray 2007). This paper examines the extent to which UN agencies in Zimbabwe have interacted with ONHRI.

Whilst the Paris principles are a crucial resource to the establishment and role played by NHRIs, Murray (2007) argues that little attention has been placed on the performance of these bodies once created. Murray further states that there is need for attention to be given to "a variety of issues that render these institutions effective and to question some of the underlying presumptions on which the Paris Principles are based" (2007:190). Building on the Paris principles, Murray (2007: 194-219) asserts that indicators that can be used to measure NHRIs' effectiveness include

- a) the context in which the NHRI is established (including legal status, independence from the executive, political context and support, adequacy of power and resource base);
- b) NHRI's performance following establishment (i.e. clarity of strategy, full use of power and resources, management and internal structure,

- influence both at national and international level, ability to deal with crises and problems);
- c) legitimacy (relationship with government and CSOs)

Whilst NHRIs may differ in their scope, Murray's argument is critical in analysing the role played by NHRIs including ONHRI in promoting human rights. Dinokopila (2010) expounds that NHRIs have a role to play both at regional and international levels. He points out that NHRIs can play a role in state reports submitted to regional and international mechanisms. ONHRI's interaction with other government mechanisms or reporting of human rights issues is also important.

The different concepts discussed in this chapter namely restorative justice, reconciliation, healing, truth telling and memorialisation are critical in framing analysis of reconciliation issues in Zimbabwe, particularly ONHRI's work. International guidelines on NHRIs further concretises the framework for analysing ONHRI's role in promoting reconciliation and national healing as indicated in this section. An understanding of the context within which transitional justice issues are discussed in Zimbabwe further helps map the context in which ONHRI's conducting its work (as detailed in the next Chapter). The context reveals the different episodes of violence that have been experienced and necessitated the need for deliberate efforts towards reconciliation.

Chapter 3 Contextualising Transitional Justice in Zimbabwe

Introduction

This chapter critically discusses the broader transitional justice context of Zimbabwe as it relates to issues of reconciliation. The context is useful in understanding dynamics around the conflicts Zimbabwe has experienced and therefore the unique manner in which reconciliation and national healing issues are discussed, understood and acted on. Without understanding how Zimbabwe has experienced and responded to numerous episodes of violence in different periods of its history, it is difficult to understand the present context.

For some Zimbabweans, the relevant time period could include even the pre-colonial era when there were reported inter-tribal wars. The main focus of this chapter, however, is the period from the 1970s, when a well-documented⁵ war of liberation against British colonial rule gave birth to an independent state in 1980, and especially the post-independence years. Taking a look again at Zimbabwe, since independence, the country has been involved in politically motivated violence reaching its peak in 2008. All these violent incidences were at varying degrees and had different consequences on the lives of Zimbabweans as well as nation building.

3.1 The War of Independence

The 1970s war of liberation was mainly characterised by guerrilla warfare with African comrades fighting for liberation from colonial rule (Bhebe and Ranger (1996), Johnson and Martin (1981), McGregor and Jocelyn (2004), Moorcraft and McLaughlin (1981), Preston (2004)). The liberation war ended in 1979 with the signing of the Lancaster Agreement. Nonetheless, the Agreement came with compromises that included representation of white people in parliament as well as land ownership. As a result of this compromise, issues of economic inequality were side lined and there was no talk of restructuring the means of production. As Raftopoulos and Savage (2004) assert, the issue of reconciliation following independence was a delicate one that needed great caution. The new government was confronted with a challenge to balance the interests of the former liberation fighters and the colonial masters as per Lancaster Agreement. President Mugabe's independence speech (also mentioned in the introductory chapter) shows the difficult challenge of instilling nation building in the period after independence;

Henceforth you and I must strive to adapt ourselves, intellectually and spiritually to the reality of our political challenge and relate to each other as brothers bound one to the other by a bond of comradeship... It could never be a correct justification that because the whites oppressed us

⁵ Bhebe and Ranger (1996), Johnson and Martin (1981), McGregor and Jocelyn (2004), Moorcraft and McLaughlin (1981), Preston (2004)

yesterday when they had power, the blacks must oppress them today because they have power...Our majority rule would easily turn into inhuman rule if we oppressed, persecuted or harassed those who do not look or think like the majority of us. (Mugabe 1980 in Raftopoulos and Savage (2004: x)

Indeed the president's speech became the adopted policy on reconciliation in Zimbabwe in the post independent era. There was no talk of a transitional justice mechanism, rather forgiveness was encouraged. As appealing as it might have been at the time, this policy based on forgiveness played a huge role on the turn of events in the country's current political scene.

3.2 Shunning Political Dissent

The 1980 policy on reconciliation grounded on the principle of forgiveness was again maintained in post independent Zimbabwe. Just like in the war of liberation, violence was used to silence dissent during the 1987 Gukurahundi⁶ also known as the Matabeleland disturbances. The only difference is that this time the use of violence was not against colonial rule but between fellow black men who had a few years earlier, fought on the same lines against colonial rule (Sisulu 2008: 494).

About 20 000 people are believed to have been killed through the use of military force (the 5th Brigade, a North Korean trained force in particular) (Sisulu 2008: 494). In this onslaught, ZANU sought to silence political opposition from Zimbabwe African People's Union (ZAPU) through mass killings of civilians, abductions, beatings of entire villages, and the rape and torture of many (Sisulu 2008: 494). The exact number of people killed during this period is still uncertain as no official state investigation was carried out.

In this "moment of madness" as President Mugabe called it, ZANU emerged as a party that thrives on silencing political dissent through violence (Raftopoulos and Savage 2004: xi). Just like the period after independence, the policy of forgiveness was adopted and no prosecutions were made. Instead, The Unity Accord was signed in 1987 as a sign of unifying ZANU and the opposition ZAPU to form ZANU PF. Of great significance is the role played by the army or security forces in the politics of the country. According to Sisulu (2008) the 5th brigade was responsible for spear heading the mission in Matabeleland and Midlands provinces.

Zimbabwe's socio economic situation has also had an influence on political violence as well as issues of reconciliation. In the late 1990s/early 2000, the collapsing state of the economy had become obvious to ordinary Zimbabweans. Zimbabwe suffered numerous challenges

⁶ The Gukurahundi, which translates from chiShona as 'the early rain which washes away the chaff before the spring rains', was a military campaign launched in January 1983 against the civilians of Matabeleland South, Matabeleland North, and Midlands provinces by Robert Mugabe and others in the ZANU-Pf leadership (Sisulu 2008: 494).

compounded by the effects of the structural adjustment programmes; the crush of the Zimbabwean dollar in 1997, fuel shortages, soaring food prices, high levels of unemployment, declining standards of living, high levels of corruption and inadequate salary levels (Bond and Manyanya 2003). The economy resulted in an agitated populace whose frustrations manifested in the form of violence.

The food riots that occurred in 1997 were a clear sign of frustration of the urban population. As Hammar et al (2003) affirm people rose up against government insincerity to issues of socio economic empowerment. In reaction to this, the state adopted use of violence to contain protests as well as imposing a ban on strikes. To date, the government has maintained control of the population through intimidation, violence and biased use of the law.

Violence also showed its ugly head in 2000 in the land reform process in which war veterans violently grabbed land and farm property from the white farmers. According to Bond and Manyanya (2003), the war veterans' agitation emanated from frustration with the exhausted nationalism discourse by the ruling elites. According to this argument, ZANU PF was dominated by a bourgeoisie group that thrived on the basis of a nationalistic discourse which turned out to contribute to its 'regeneration' Bond and Manyanya (2003:69). This is re-enforced by Fanon, (1963) who argues that,

...a bourgeoisie that provides nationalism alone as food for masses fails in its mission and gets caught up in a whole series of mishaps. But if nationalism is not made explicit, if it is not enriched and deepened by a very rapid transformation into a consciousness of social and political needs, in other words into humanism, it leads up a blind alley.... Fanon (1963:181-182)

If this argument is true, then ZANU PF had failed to fulfil the material side of the nationalism discourse thus people became frustrated with little to show apart from their sense of nationalism. The war veterans' frustrations were made manifest through the land invasions in which massive human rights violations were reported. Property worth millions of dollars was destroyed and some farmers lost their lives in the process.

It is however, worthy to note that in most discussions about reconciliation in Zimbabwe particularly in ONHRI's work, there is little mention of the 2000 farm invasions. It seems as if the white community is totally shunned out of issues of reconciliation – one would therefore presume that the general perception is that the land invasions were a “necessity” to redress past inequalities. It can also be argued that President Mugabe's policy of reconciliation failed in that while it called for reconciliation in the form of forgiveness 10 years down the line, people's bottled up anger and resentment manifested itself in 2000 in the form of land invasions.

It is worth noting that most incidences of violence in Zimbabwe have occurred in the run up to elections specifically in June 2000, March 2002, March 2005 and March 2008. During all these historical periods, the role played by government as well as ZANU PF in perpetrating violence

is glaring. The economic challenges of the early 2000 coincided with the emergence of MDC as a strong opposition party thus threatening the status quo in Zimbabwean politics (Raftopoulos and Savage 2004; Bond and Manyanya 2003).

The rise of the MDC came at a time when the country was going through a Constitution reform process in which the party mobilised people to vote 'no' in the referendum ((Raftopoulos and Savage 2004; Bond and Manyanya 2003)). The mobilising proved to be a success an aspect which did not impress the then ruling ZANU PF party. ZANU PF responded with intimidation and violent tactics. The use of violence continued in the election processes that followed since then. The military as well as security services have played a partisan role in these political and electoral processes (Crisis in Zimbabwe Coalition, 2011). Election campaigns have been characterised by "arbitrary arrests, torture, disappearances and deaths of political opponents and opposition" (Machakanja 2010: 2).

3.3 Impunity (including Judicial Impunity)

In Zimbabwe, the rule of law is not fully observed as most perpetrators of violence have not been brought before the court despite the fact that cases have been reported (Human Rights Watch 2011). The partisan stance of the military and security forces in Zimbabwe is made evident by speeches made at different stages by high ranking officials in the army. According to Crisis in Zimbabwe Coalition, Brigadier - General Douglas Nyikayaramba was quoted saying, "I am where I am today because of the party. Some of us actively participated in the struggle and we cannot stand up and say we do not belong to the party" (Crisis in Zimbabwe Coalition 2011:11). Statements like these reveal the dangerous role played by the military and security forces in political issues.

Zimbabwe's police force has also been criticised for being partisan in their work. As stated by HRW (2008b), the partisanship of the police was detected and condemned as early as 2002, by a fact finding mission by the African Commission on Human and Peoples' Rights. The commission observed that the ZRP's law and Order Unit seemed to "operate under political instructions and without accountability to the ZRP command structures" (HRW 2008b:7). The Commission also advised that further politicization be avoided.

In addition to use of violence to control people, ZANU PF also used legal mechanisms. According to Moyo (2010), the independence of the judiciary in Zimbabwe has been compromised since 2000. The judges are "influenced by the executive, and there is also use of threats, transfers and dismissal" (Moyo 2010: 26). The lack of independence in the judiciary system has also led to partisan application of the law and this has impacted negatively on the quest for justice. As Carey et al (2010) argues, one of the obstacles to transitional justice is a biased judicial system. Carey et al (2010:200) further state that "the influence over the courts of a repressive regime frequently supported by the military usually outlasts the regime itself".

The country has also become highly polarised with those in the opposition often referred to as 'enemies of the state'. As stated by Zimbabwe Lawyers for Human Rights (ZLHR) (2010), the polarisation hampers citizens' right to

association and also their participation in democratic processes like voting. National farming programmes and food distribution programmes have been politicised (particularly in the run up to elections) so much that it is difficult to distinguish between ruling party and state resources (ZLHR: 44). Farm implements (heifers, combine harvesters, grinding meals, generators and chemical sprayers) distributed during the mechanisation programme in 2007/8 were distributed by the government to coincide with ZANU PF's election campaign thus confusing the electorate on the distinction between party resources and state resources (ZLHR: 44). The partisan manner in which projects were carried out contributed to the instilling of hatred within communities on partisan lines.

3.4 The GPA, a New Step in Zimbabwe's Reconciliation efforts

As mentioned earlier in this paper, the year 2008 presented an opportunity for a new inclusive government and consideration of issues of transitional justice particularly reconciliation and national healing. The signing of the GPA 2008 came at an opportune time to end a political stalemate that had resulted in the degeneration of a sense of humanity among people manifesting in the form of violence. The signing of the GPA (2008) with provisions on national healing and reconciliation (Article 7) indeed ushered in a new step for further discussions and mapping of reconciliation efforts in Zimbabwe to seek redress for violent conflicts that had happened in Zimbabwe's history. The ONHRI was established in accordance to Article 7 of the GPA (2008) to lead national healing and reconciliation processes. The creation of ONHRI provided a new frame through which the discourses of transitional justice more so reconciliation and national healing can be debated and implemented (as the next chapter will reveal).

As indicated above, Zimbabwe's historical political processes play a critical role in explaining how the country has experienced an increase in incidences of politically motivated violence in the recent past (from 2000 onwards). These violent incidents reached their peak in 2008 thus necessitating a mechanism for reconciliation and healing. People continue to harbor feelings of hurt that need to be addressed through a national structure such as ONHRI. In the next chapter, key research findings on efforts of ONHRI towards reconciliation and national healing are presented. Structural constraints faced by ONHRI in its work are also revealed.

Chapter 4 – The Uphill Struggle for Reconciliation and National Healing

Introduction

This chapter discusses research findings and analyses of the research on how the ONHRI continues to struggle in its role to promote national healing and reconciliation in Zimbabwe. This chapter reveals that although the ONHRI (since establishment) has done some work it still falls far from achieving its mission. The ONHRI is crippled by numerous challenges (an insufficient or inadequate policy framework, political obstacles, and implementation challenges within government structures and also in its interaction with CSOs) which will be discussed in detail in the following sections. Civil Society Organisations (CSOs) on the other hand have grasped opportunities for promoting healing and reconciliation better. This chapter also briefly discusses CSOs' interventions in relation to ONHRI's mandate.

4.1 ONHRI's reconciliation and national healing efforts

Since its establishment in 2008, ONHRI has made little progress in promoting reconciliation and national healing. Upon its coming into office, ONHRI developed a concept paper to map its functions. The concept paper was necessary considering that ONHRI was established under Article 7 of the GPA (2008) a provision which does not elaborate much on its role. An analysis of the ONHRI's initial concept paper and its current description of its mandate reveal how the ONHRI has struggled over time to define its terms of reference. Section 8 of the ONHRI concept paper (2009) for instance specifies that;

It shall be the role of the Organ to oversee the healing process and to promote dialogue among parties, and to diffuse tension and threats that may lead to incidences of violence through engaging all parties

This provision contradicts ONHRI's current standpoint about its role. Currently, ONHRI affirms that its role is only limited to advisory as opposed to an implementation role alluded to in its earlier concept paper. This shows confusion in determining the mandate of the ONHRI from the onset. The lack of a clear mandate for ONHRI is contrary to the Paris Principles which provide that the mandate for NHRIs should be clearly enshrined in a country's constitution. The lack of a clearly constituted mandate for ONHRI is further discussed in this chapter in the section on the inadequacy of the policy framework.

Given the context in which ONHRI was established, one of the main tasks the institution has undertaken is engagement of political parties to ensure an end to politically motivated violence. The ONHRI principals entered into dialogue with political parties (in 2010) in the GPA mainly ZANU PF politburo, and National Executive Committees of the MDC formations

sensitizing the political leaders on their roles and responsibilities in terms of Article xviii of the GPA. It can be argued that ONHRI's engagement with political parties has not been successful because Zimbabwe to date continues to experience cases of political violence emanating from the political parties (although on a smaller scale)⁷. ONHRI's inability to influence political parties to control eruption of political violence can be explained by Cunnen and Hoyle (2010:89-90) who argue that Zimbabwe is a country that is not yet ready to engage in restorative justice mainly because those who commit atrocities have neither stopped nor are they willing to acknowledge the harm they inflicted upon people.

ONHRI's work has largely revolved around consultations with the church, CSOs and chiefs in the country's 8 provinces to collect information on perceptions on national healing and reconciliation. The outreach meetings were also taken to Zimbabweans living in the diaspora mainly in South Africa, United States of America, New Zealand, United Kingdom and the European Union⁸. ONHRI's consultations with the church and CSOs and people in the diaspora is to a limited extent commendable in that it sought to sensitise other stakeholders on its work and also gather their views on the reconciliation and national healing process. The challenge however, lies in that ordinary people including victims remain uninformed of ONHRI's work (Researcher's field notes, 15 August 2011). As such ONHRI's process towards reconciliation remains elite driven with little engagement of ordinary people.

An interview with directors at ONHRI (Mr Razemba and Mr Ngwenya (26 July 2011), revealed that ONHRI is currently working towards the establishment of a National Peace and Reconciliation Council (NPRC). The NPRC is envisaged to have a responsibility to come up with programmes for peace building and reconciliation both at local and national levels. Whilst the proposal of a NPRC may be a positive step, the challenge is that ordinary people were not consulted in deliberations for this institution. The process being used in coming up with the framework for the NPRC therefore amounts to a top down approach that often suffers legitimacy and ownership challenges by ordinary people. As Mr Alec Muchadehama (a prominent human rights lawyer) (Interview 18 August 2011) stated, top down approaches to reconciliation are often confronted with challenges that make them less effective in achieving national healing and promoting reconciliation.

The lack of mention of critical attributes of reconciliation and national healing such as justice and truth telling in the proposed framework for the Peace and Reconciliation Council (as indicated during interviews at ONHRI) is of great concern. As Mr Alec Muchadehama argued in an interview (18 August 2011),

...there is no reconciliation without justice and truth telling.
ONHRI is being used for political mileage, where politicians

⁷ An example is that of ZANU PF supporters' attacks on MDC members at a rally on 6 November 2011 (The Mail and Guardian, 2011).

⁸ It is however, unclear how the consultations in the diaspora were made – whether ordinary Zimbabweans were engaged or only those in organized structures.

want to be seen to be doing something yet there are no results at all from their work.

Amadiume and An-Naim (2000) further affirm that truth telling and justice are critical to reconciliation and healing processes although they are not in themselves sufficient.

As discussed in the next section, ONHRI has suffered numerous challenges in fulfilling its role to promote reconciliation and national healing

4.2 Inadequate Policy Framework

The ONHRI has suffered greatly in fulfilling its role due to an inadequate policy framework. As a brain child of the GPA⁹, ONHRI is perceived as a temporary institution that will cease to exist in the near future (Researcher's field notes, 15 August 2011). ONHRI lacks legal backing either in the form of an Act of parliament or an elaborate clause in the Zimbabwean constitution. The ONHRI was established in accordance of Article 7 of the GPA (2008) enshrined in Schedule 8 to the Zimbabwean Constitution (see Annex 1 for detail). Article 7 c) of the GPA states that the GPA principals;

Shall 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 political conflicts...

The GPA does not elaborate on how the ONHRI is to be constituted and neither does it spell out the functions of ONHRI. The lack of clarity and properly defined mandate for ONHRI has greatly constrained its work in that ONHRI wields little power and has little room to manoeuvre in promoting national healing and reconciliation. Murray (2007)'s assertion based on Article 2 of the Paris principles, reiterates that a clear legal foundation is critical to the effectiveness of National Human Rights Instruments. Provisions for such bodies should "be entrenched in the constitution or clearly stipulated in the enabling legislation" (Murray 2007: 194-195). Accordingly, ONHRI's functionality as a National Human Right Institution is greatly compromised.

As highlighted by co-Minister of the ONHRI, Ms Sekai Holland's statement (below) the mandate of ONHRI was not clear in the beginning, even for the ministers themselves;

When we were appointed we thought that the three principals had an idea of what they wanted us to do...They didn't. They were relying on us as elders to advise them... (Zhangazha 2010)

⁹ The GPA (2008) is perceived as a temporary arrangement for settling the 2008 political stalemate.

This implies that when ONHRI was set up, there was realisation that a body of that nature was necessary but the politicians were not clear on what exactly it would work on. This confusion on the mandate has contributed to high expectations among the public on what ONHRI could achieve. As revealed by my snapshot conversations in Uzumba Maramba Pfungwe (UMP), and Harare only a few people are aware of ONHRI's existence. This is also affirmed by the HR NGO Forum's Transitional Justice National survey (2011) which reveals that 74 % of the 3 189 individuals interviewed on perceptions on transitional justice, were not aware of ONHRI. The few people who are aware of ONHRI's existence are of the understanding that the institution implements national healing and reconciliation programmes as opposed to the advisory services provided for in the GPA. The confusion over the role of ONHRI can also be substantiated in what Dr. Shana said,

We always felt it was to provide a facilitative, political and legal facilitation for healing to take place, to allow people to carry on, especially in civil society, to carry on as best as they can do to assist the inclusive government in the healing process. But on many occasions it has appeared as if the Organ is actually going to do the healing itself ... it's important for us to clarify what role the Organ is going to play... (Dr Goodwill Shana, *Chair of the Heads of Christian denominations in Zimbabwe*) SW Radio Africa Transcript (2010)

The inclusive government's failure to table a National Healing, Reconciliation and Integration Bill¹⁰ to provide terms of reference for the ONHRI and its ministers and give legal basis also contributes to the lack understanding and clarity on the purpose of the institution. As Mr Razemba, Director in ONHRI explained in an interview (26 July 2011), this 'lack of understanding' on the mandate of ONHRI has resulted in people perceiving ONHRI as having failed to fulfil its mandate. Whilst the assertion that ONHRI's work is misunderstood because it is there for advisory purposes may be valid, the institution itself has done little to raise awareness of its work as well as seek understanding from people. Since establishment, ONHRI's visibility has been minimal. As an institution it was made visible in the public eye during its launch as well as the proclaimed (24-26 July 2009) days of National Dedication.

The lack of a clear policy framework for ONHRI also makes it challenging for ordinary people as well as CSOs to assess its accountability. As stated by Murray (2007), civil society organisations play a critical role in holding national human rights institutions accountable. The institution's legitimacy has also been rendered questionable in that the inclusive government did not make considerable efforts to sit and deliberate on legislative provisions to improve elements critical to the functioning of ONHRI and other national healing and reconciliation processes. The lack of a policy framework for ONHRI or more broadly reconciliation and national healing has also compromised the work of CSOs as they play a supportive role to government efforts.

¹⁰ This is according to the 2010 work plan alluded to in the Zimbabwe National Policy Framework for Peace and Reconciliation – First Final Draft 2011.

Various legislative provisions in Zimbabwe have also compromised reconciliation and national healing efforts. According to Mr Rashid Mahiya (18 July 2011), laws such as Access to Information Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) need review to allow necessary interaction for national healing and reconciliation processes. Legislative restrictions posed by the two laws have hampered the work of CSOs in particular CSU, HZT, ZLHR that I interviewed. Due to POSA, these CSOs have at several instances been denied access to communities on unclearly stated security grounds. Whilst the laws may be good for public order and security, in Zimbabwe they have been used for political expediency especially by ZANU PF (Researcher's fieldwork notes).

4.3 Political Obstacles

As mentioned earlier, ONHRI is led by 3 state ministers from Zimbabwe's three main political parties signatory to the GPA (2008). The mere fact that these three are politicians has rendered the work of ONHRI vulnerable to political interference. Furthermore, their appointment to leadership is on the basis of political affiliation as opposed to merit. It also follows that the likelihood of political interference is high – the state ministers are likely to seek to fulfil their parties' political agendas (Male Print Journalist, 22 July 2011). Chances of politicians shielding themselves from public scrutiny are also greater. The leadership of ONHRI by politicians compromises the institution's independence contrary to provisions in the Paris principles (1991:4) in particular Article 2 (2) which states that

the composition of the national institution and the appointment of its members... shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights...

As Mr Razemba (Director at ONHRI) stated (26 July 2011), the 3 state ministers in ONHRI have different ideological stand points that from time to time have to be harmonised for progress. These differences also slow down the work of the ONHRI as the 3 normally have to be consulted on all critical decisions. The issue of having 3 state ministers for the institution also poses administrative challenges in that schedules have to be adjusted to a time that accommodates all three which is a challenge (Mr Razemba 26 July 2011).

The extreme polarisation according to party lines in Zimbabwe also contributes to making reconciliation and national healing efforts an uphill task. As Mr Razemba and Mr Ngwenya (Interview 26 July 2011) concurred, the possibility of ONHRI being led by 'independent ordinary' people would have faced criticisms, "No one is non-partisan... everyone has at least a political party they sympathise with".

Polarisation in communities also remains a major challenge to the national healing and reconciliation process;

...in this area, people label each other according to party lines. If you are an MDC supporter in this community then you have to

be strong. In 2008 for example, people came and beat me up together with my wife...its hurts now that it's one year after she died from the beatings and still we live in fear (Male Farmer from Uzumba Maramba Pfungwe, 15 July 2011)

This is one case among many that the researcher encountered in the field. Respondents told of their stories of intimidation, beatings and torture at the hands of ZANU PF supporters who were never tried in a court of law despite cases (some) being reported and overwhelming evidence of the offenses. Some of the respondents were however, afraid to report the cases for fear of being arrested instead. Cases of complainants being arrested instead of offenders happen often in Zimbabwe. For instance, the case of about 88 villagers who were arrested in Nyanga for “demanding the return of their stolen property by ZANU PF supporters during the run up to the ...June 2008 presidential election” ZLHR (2009:1)

The political environment is also worsened by the partisan application of the law (Mr. Alec Muchadehama, 18 August 2011). As stated in the Human Rights Watch Report (2008b: 1) “ZANU PF has compromised the independence and impartiality of the judiciary judges, magistrates and prosecutors and transformed the police”. The partisan stance of the justice system has rendered efforts by victims of violence to get justice futile. As stated by Carey et al (2010), the challenge for countries in transition is that in some instances, perpetrators are often in positions of authority. The partisan delivery of services has also manifested in the form of arbitrary arrests on both ordinary people and political activists to instil a sense of fear among the populace. According to Zimbabwe Lawyers for Human Rights' Legal Monitor (2009:4) about 8 members of a religious sect (Johanne Masowe weChishanu) in Mount Darwin were arrested for congregating and praying without the permission of Chief Chinembire.

The GPA (2008) Article18 in particular place a responsibility on political parties to ensure that there is no return to violence. Article 18.5b) urges political parties to “renounce and desist from the promotion and use of violence, under whatever name called, as a means of attaining political ends”. Although ONHRI has involved the three political parties in its outreach work to ensure this provision is adhered to, it seems the efforts have brought little results. Incidences of violence continue to be reported for instance in Mbare where a ZANU PF youth militia called Chipangano continues to harass residents and traders at Mbare Musika Market¹¹:

I used to have a market stall in Mbare, that was my source of livelihood for 3 years but now I have become a street vendor. The Chipangano people came beat me up (and others), overturned my table and threw away my goods and asked me never to return to the market again in 2009. The reason for all this is because I am an MDC supporter. (MDC Mbare woman 21 July 2011)

¹¹ Mbare Musika is one of the biggest vegetable market in Harare's oldest suburb

Not only is the political environment a challenge to the ONHRI but to CSOs as well. According to Colvin (2007:330) the political and legal environment has an impact on both the state and CSOs' ability to establish effective reconciliation policies and programmes. Colvin (2007:330) further argues that political transitions comprising negotiated agreements between conflicting parties are "inevitably involved in a host of uncomfortable social and legal compromises, especially in relation to reconciliation". In this case, Zimbabwe is not an exception as currently the country is being run by an inclusive government in a compromise position.

4.4 Implementation Challenges within the government

The economic meltdown in Zimbabwe (discussed earlier in Chapter 3) resulted in the collapse of the economy so much that although the economy is now recovering, the government continues to experience extreme challenges to meet its obligations. The interviews conducted for this research, indicate how reconciliation and national healing issues were less prioritised from the time the GPA was signed. A female University of Zimbabwe student argues,

If ONHRI was a critical institution for this inclusive government, by now a clear legal framework would have been instituted. Look at the media sector, already a Commission has been established and so far they have issued licenses which show there is some work going on. As for ONHRI it's all talk and little results. (Female Student, 21 July 2011)

Following the signing of the Global Political Agreement, the government grappled with socio economic challenges that included a collapsing health sector, shortage of basic commodities, a non-functional banking sector, an industry operating below capacity. A lot of effort was put on rebuilding the economy and the health sector particularly through the Short Term Emergency Recovery Programme (STERP) and other subsequent strategies (success or failure of these efforts is a subject for another study). On the transitional justice side of things, one can say the little the government did was the establishment of ONHRI (with an unclear mandate) and the declaration of three commemorative days (aimed at ensuring an end to violence).

According to Mr Ngwenya and Razemba (Interview 26 July 2011), ONHRI experiences financial constraints in its work. The two concur that whilst they realise the need for ONHRI to work with grass root communities, the institution lacks finances to do so amidst other constraints. At some point "plans were made to travel to communities but had to be cancelled due to financial constraints and need for extensive travel arrangements" (Mr Ngwenya, Interview 26 July, 2011). Although ONHRI currently functions as a government department in the office of the President, a substantial amount of its budget is financed by the UNDP. As pointed out by Murray (2007:190) UN agencies including the UNDP have over time supported the work of Human Rights Institutions in promoting and protecting human rights. Despite the

funding from UNDP, ONHRI however, continues to experience financial constraints (Mr Razemba Interview 26 July 2011).

The financial challenges experienced by ONHRI have hindered its work and are also a reflection on the financial challenges the government is currently facing. Murray (2007:202-203) however, points out that it is important that national human rights institutions are bestowed with the necessary resources to effectively promote reconciliation. Related to the issue of financial challenges is the issue of reparations, also protected by international human rights law. While admission of wrong doing and compensation are crucial in ensuring healing of victims of violence, the government of Zimbabwe is silent on this. It can be argued that the government's capacity to fulfil the right to reparations is limited by availability of financial resources. The issue of reparations however, can be dealt with better at grass root level as structures (traditional leadership to be discussed in the following sections) are already in place to settle community grievances between community members not between the state and community members.

ONHRI's lack of a legal mandate (discussed earlier) has affected its work even with other ministries in government. As Mr Razemba mentioned in an interview (26 July 2011), in some instances, the institution struggles to get attention or have its issues prioritised by other government departments because its powers or lack therefore are not in any legal form. The presence of Comrade John Nkomo in the ONHRI has helped the institution to at least get its correspondence responded to on the basis that Comrade John Nkomo holds the office of the Vice President of Zimbabwe as well as ONHRI's Chairman. Unlike other transitional justice mechanisms like the SA TRC which had a clearly constituted legal mandate (Murray 2007; Lollini 2011), the ONHRI does not have legal provisions that clearly set its mandate as well as parameters. The SA's transitional justice process through the TRC was constitutionalised with two harmonising elements "a) constitutional suspension of a strictly criminal approach for political crimes committed under apartheid; and b) using public confession." (Lollini 2011: 96).

4.5 Implementation challenges in serving as a bridge between government and CSOs

As discussed in Chapter 2, National Human Rights Institutions (NHRIs) play a critical role in reconciliation processes as they serve as a bridge between the government and CSOs (Murray 2007: 214-215). The ONHRI has minimally interacted with CSOs on reconciliation and national healing efforts through the Church and Civil Society Forum (CCSF). ONHRI has held consultations with CCSF in all the 8 provinces of the country to establish their perceptions on the national healing, reconciliation and integration process. The provincial consultations were held with traditional leaders (chiefs and headmen), church and civil society groups, and diaspora engagement in South Africa, United States of America, Australia, New Zealand and EU (Mr Razemba and Mr Ngwenya, 26 July 2011).

ONHRI's interactions with the CSOs through the CCSF can however, be argued to be superficial, only a window dressing. From a surface level, it may appear as if ONHRI values input from CSOs as revealed by its provincial consultations. A further analysis on how the CCSF's recommendations were adopted into future reconciliation and national healing programmes tells a different story. Whilst the CCSF recommended that mechanisms for reconciliation and national healing should factor in issues of justice and truth telling, ONHRI has not included these in the proposed framework. ONHRI's Framework for National Healing, Integration and Reconciliation in Zimbabwe sets to guide the establishment of a National Peace and Reconciliation Council¹² (NPRC). It is evident that a number of recommendations from the CCSF have not been incorporated in ONHRI's work or its future programmes.

ONHRI's interaction with CSOs through the CCSF is also disjointed in that following provincial consultations, ONHRI did not publish any results of the consultations. As revealed by interviews with CSOs (names withheld) that are part of the CCSF, ONHRI was uncomfortable to put its name on the document CCSF was publishing. The CCSF then proceeded to independently publish a report titled 'Towards Development of a National Framework for National Healing, Integration and Reconciliation in Zimbabwe'. To date, ONHRI has not published its findings and this demonstrates its lack of accountability to members of the public.

4.6 CSOs' reconciliation and national healing programmes: an insight for ONHRI?

Due to frustrations with the government's failure to implement and sustain efforts on transitional justice (broadly), CSOs in Zimbabwe have grasped opportunities for promoting transitional justice better than the ONHRI. The work done by the CSOs as discussed in this paper reveals that the CSOs have more expertise and willingness to address reconciliation and national healing issues. ONHRI can therefore work together with CSOs to broaden its work and have a positive impact on members of the public. As Mr Rashid Mahiya pointed out in an Interview (18 July 2011), most CSOs work is to bridge the gap between state led national programmes (e.g. ONHRI programmes) which take too long to reach grass root people and seem to involve political elites. The CSOs have intervened in communities with programmes ranging from psycho-social support, medical assistance, memorialisation projects, livelihoods projects, creating awareness on transitional justice and legal assistance. In this paper I however, focus more on the issues of trauma-counselling and memorialisation.

¹² The NPRC is envisaged as a permanent structure that will take more of an implementing role as compared to ONHRI. Further discussion follows in Chapter 5.

4.6.1 Trauma Counselling and Medical Support

Organised violence and torture in Zimbabwe have left physical as well as psychological scars on victims so much that it has become more than necessary for organisations to provide services to meet these challenges. According to Colvin (2007:327) trauma counselling is one of the most significant features of post conflict initiatives. The idea is to “change the way people think of, and experience, their problematic situation, and to act upon their new understanding” (Colvin (2007:327)). CSOs in Zimbabwe have emerged to provide medical treatment as well as psychological support to victims of organised violence and torture. As stated by Mr Fidelis Mudimu, CSU Programme Manager Interview, 11 August 2011,

...the nature of organised violence and torture is that it is done for a purpose and it is meant to have a psychological impact and usually the long term psychological impact is the biggest problem for these victims...

Healing for these people therefore involves psychological support to help deal with trauma experienced from the torture and violence. Healing of the victims also entail seeking a sense of justice and this involves working with other organisations involved in democracy and governance and humanitarian aid (Mr Fidelis Mudimu, Interview 11 August 2011). The trauma counselling service is thus provided as a package together with medical support for victims. To deal with the varied needs of victims of violence, referrals are made to other organisations with capacity to provide food, shelter, legal aid and humanitarian assistance.

One of the biggest challenges for CSOs working on trauma counselling and medical support is retention of clients. As Mr Fidelis Mudimu revealed (Interview 11 August 2011), most clients are not consistent in coming for therapy as they have to deal with their pressing needs such as food, shelter and employment. Whilst interventions in trauma counselling are valuable in the healing of people (both physical and psychological) the challenge is that they are provided on a smaller scale. Most trauma counselling programmes are financed through foreign aid and this makes them vulnerable to shifts in funding procedures and agendas (Colvin 2007:327). ONHRI's interaction with organisations with expertise in this area would further strengthen the interventions. The involvement of government (through ONHRI) would help in decentralising the intervention to grass root levels thus making it accessible to more people.

4.6.2 Memorialisation Initiatives

Memorialisation is a critical aspect in healing and reconciliation matters. According to Amadiume and An- Na'im (2000:21) memory is “the warp and weft of the tapestry of history that makes up society”. Collective memory of events that transpired during the different periods of Zimbabwe's conflicts are therefore of significance in unifying the nation. Zimbabwe's heroes and heroines are honoured through a state assisted burial at either the National Heroes shrine or Heroes shrines scattered in different provinces. Heroes' status is centralised as heroes are selected by the ZANU PF party through their

politburo. As Colvin (2007:328) points out the manner in which selections are made is an example of the “centralisation and hierarchisation of memory in post-conflict Southern Africa”. The selection process has been controversial as some sections within Zimbabwe strongly feel the national shrine is now appropriated for people aligned to ZANU PF only. Colvin 2007:328 argues that Zimbabwe’s memorialisation efforts have been elite driven, and have honoured a narrow range of politically connected individuals.

The memorialisation of the past in Zimbabwe is often associated with the liberation struggle. Any event outside the war of liberation is downplayed so much that some ordinary people are bitter. Their wish is to be allowed to remember significant events that occurred in Zimbabwe’s different episodes of violence when they lost loved ones. The Gukurahundi alluded to earlier in Chapter 3 is an example of a violent past that most people particularly in Matabeleland Province feel should be memorialised. Some people also feel much more passionate about the recent past. As stated by Mr Rashid Mahiya, Director for Heal Zimbabwe Trust (HZT) Interview 18 July 2011, one of the most pertinent issues in the communities they work in (Uzumba Maramba Pfungwe) is the memorialisation of those who were murdered in 2008.

Current memorialisation projects by CSOs are aimed at facilitating unveiling of tombstones as well as hosting of a memorial services for the victims of the 2008 violence at household/ family level. According to Mr Rashid Mahiya (Interview 18 July 2011), “the idea is to give families space to mourn openly, something they were denied in 2008 when violence was rife”. In worst cases, some were even asked to disperse from funerals by ZANU PF supporters (Researcher’s field notes). “The memorial services help people to heal as well as ensure they get a sense of closure to the unfortunate demise of their loved ones due to politically motivated actions”(Mr Rashid Mahiya Interview 18 July).

Memorialisation projects may be beneficial to heal families as well as communities if they were to be replicated across the country. Such an initiative would make a huge impact if government initiates something similar. As it is, it is like a drop in the ocean that looking from a national level it may seem insignificant to the healing of the nation as a whole. Cemented interactions between CSOs and ONHRI in implementing projects such as these would go a long way in facilitating healing of ordinary people.

The work that has been done by CSOs as revealed by the above examples on trauma counselling and memorialisation is a step towards promoting reconciliation and national healing amongst community members. The challenge however, lies in that CSOs do not have the capacity to replicate the programmes across the country. In this case, the government as an institution with structures at grass root level can have more impact if it adopts such interventions.

Although the work being done by CSO is of great value, the issue of accountability is glaring. CSOs are guided by ‘self-preservation’ which greatly compromises their accountability to communities they represent (Colvin (2007:331)). In Zimbabwe, most NGOs got on the bandwagon of transitional justice work soon after the signing of the GPA (2008) when donor money was poured into the sector but to date, there is little to show for their efforts. The establishment of a clear structure for transitional justice at national level (or

expansion of ONHRI) may help guide both the ONHRI and CSOs in their work and ensure their accountability to communities.

This Chapter has revealed the work that ONHRI has done so far as well as the challenges it is facing. Although ONHRI is crippled with numerous challenges, it is worthy credit in that it is an initial step towards formal engagement between the state and CSOs on reconciliation issues or more broadly transitional justice in Zimbabwe. Mr Njeru from Zimbabwe Human Rights NGO Forum (15 August 2011) for example stated that he values ONHRI because it “is the only open platform on the supply side to deal with government” as it relates to national healing and reconciliation. CSOs on the other hand have taken advantage of the opportunity for transitional justice work and have proved they have expertise and willingness that the government through ONHRI can take advantage of to promote reconciliation and national healing. The next chapter draws conclusions from the research findings. The chapter also attempts to map a way towards improvement of ONHRI’s efforts.

Chapter 5: Conclusion and Recommendations

Introduction

This Chapter provides conclusions for this research based on a reflection on the research objective and research questions. This research explored reconciliation and national healing efforts in Zimbabwe through the ONHRI and briefly through examples from CSOs. Whilst the existence of ONHRI is a significant step in Zimbabwe's reconciliation efforts, the institution still falls short of fulfilling its role. As revealed in this paper, the model of reconciliation under which ONHRI is founded is structurally limited.

5.1 Research Conclusions

The main objective of this paper was to explore the struggles of reconciliation in Zimbabwe through the ONHRI. The paper also sought to examine structural constraints that have impacted on the work of the ONHRI as well as the institution's potential. The main research question was; how has Zimbabwe's social and political context influenced the ONHRI's ability to promote reconciliation and national healing? Both the main research question and sub-questions for this research were answered through the following arguments.

I have argued that although ONHRI is a significant step through which reconciliation and national healing is being explored in Zimbabwe, ONHRI remains fraught with a limited mandate and a constraining context to operate in. I have argued that ONHRI suffers constraints in the form of a) an inadequate policy framework b) political obstacles c) implementation challenges within government d) implementation challenges in bridging the gap between government and CSOs. Based on these arguments (discussed in detail in the previous chapter), I conclude that Zimbabwe's social and political context has greatly hindered ONHRI's ability to promote reconciliation and national healing. One of the biggest challenges ONHRI faces is an insufficient policy framework. Unlike the SA TRC which was properly provided for in the constitution, ONHRI has a limited legal mandate narrowly drawn from Zimbabwe's GPA (2008). The limited mandate and interpretation thereof was marred in confusion so much that even the advisory role it eventually settled for has not been done convincingly.

Zimbabwe's political context has constrained the work of ONHRI in that there is political meddling in the day to day work of ONHRI. The leadership of ONHRI is drawn from political parties thus the prioritisation of political agendas at the expense of ordinary people's needs and victims of violence in particular is likely to happen. I therefore conclude that political will and or commitment on the part of government is also lacking to adequately tackle the need for reconciliation and national healing.

Zimbabwe's social set up emphasises the significance of the role of chiefs in maintaining harmony in rural communities. Zimbabwe has a strong chieftainship structure that gives chiefs a critical role to play in settling of disputes among community members. This social setting has proved beneficial

to reconciliation efforts both by CSOs (who have implemented projects with support from chiefs) and ONHRI (chiefs have contributed to ONHRI's provincial consultations on people's perceptions towards reconciliation).

Empirical evidence has shown that ONHRI's interaction with CSOs through the CCSF has brought little achievements. CSOs' independent work through various interventions have instead, brought results though on a smaller scale. It can be concluded that ONHRI's interaction with CSOs has been a scrap on the surface that needs further critique and review to make it meaningful.

5.2 Alternative Visions of Reconciliation

This section gives an analytical presentation of alternative forms of reconciliation that can be explored by the ONHRI to further enhance its role in promoting reconciliation and national healing. These alternative forms of reconciliation are informed by a wide range of actors that include CSOs' perspectives, lessons from the region, in particular the SA TRC and alternatives from literature. Interviews conducted for this research revealed that the ONHRI is in the process of creating an institution that can work more tangibly on reconciliation and national healing. This section is therefore forward looking in terms of discussion of the work of ONHRI.

Most of the people interviewed in this research (CSOs and ordinary people) concur that whilst the SA TRC is regarded as a best case example, Zimbabwe has little to learn from it. Mr Razemba (Director ONHRI) Interview 26 July 2011 argues that the TRC was established in a contextual frame (post - apartheid era) that is different from Zimbabwe's ONHRI thus its applicability to Zimbabwe is minimal. Whilst the arguments posed above maybe true, Zimbabwe can still learn more about issues such as truth telling and justice from South Africa. As stated by Amadiume and An-Na'im (2000:22), specifics may differ "but what refuses to go away is the underlying principle of reparations, restitution, social or racial justice or whatever presents itself as a prerequisite of healing and reconciliation. We cannot take refuge in amnesia." In this paper, I choose to discuss briefly justice and truth telling.

5.2.1 Justice and Reconciliation

While it is generally acknowledged that pursuing an outright legal agenda to reconciliation does not yield results on its own, legal solutions remain important in reconciliation efforts (Colvin 2007). As mentioned earlier, neither ONHRI nor the justice sector in Zimbabwe has made direct efforts towards holding perpetrators of organised violence accountable. Human rights organisations like the ZLHR and Human Rights NGO Forum have been actively providing legal assistance to victims as well as filing lawsuits on behalf of the victims. Due to lack of commitment to end impunity on the part of government, most of the perpetrators are still free (Mr Alec Muchadehama Interview 18 August 2011).

Interviews for this research reveal a sense amongst CSOs that there is a close relationship between the law and reconciliation. As Mr Rashid Mahiya emphasised, "there is need for action on the part of government to deter

people from committing acts of violence. This deterrence can only come through punishing perpetrators.” This is further supported by Colvin (2007:334) who states that “legal approaches, especially if actively supported by the government, can be an important index of a state’s commitment both to reconciliation and principles of accountability and rule of law”.

In Zimbabwe chiefs have an important role to play as community leaders. In the traditional culture, chiefs are responsible for the settling of disputes among other things. As such, their role in reconciliation and healing at grass roots level remains important. As stated by Amadiume and An-Na’im (2000), African countries often prefer tackling transitional justice through local or traditional mechanisms already in place. Concepts like Ubuntu¹³ are of significance as they emphasise on the importance of a sense of community and the need to restore and maintain social order in ways that are not entirely punitive but restorative in manner (Colvin 2007:332).

In the Zimbabwe Shona tradition, when one person commits an offence on another, they are brought before the chief who settles the matter through ‘kuripa’ translated to English as appeasement. The appeasement can take any form of compensation either through payment of livestock or any other form that is determined by the chief in consultation with the victim. This form of ‘justice’ if adopted well, can yield positive results and instil healing among Zimbabweans. As stated by Clayton Manjova (HZT) Interview 15 July 2011, some chiefs (name withheld) have to date set down and settled disputes that arose following the 2008 election violence.

5.2.2 Truth Telling

Truth telling is central in issues of reconciliation and healing. As pointed out by Amadiume and An-Na’im (2000) any mechanism that seeks to provide healing and closure to a past wrong should have an understanding of what exactly transpired in the past. The effects of past wrongs are critical in explaining the unfortunate and gruesome incidents that happen in societies. An assessment of the past enables anticipation or identification of warning signs of future violent actions.

Although it can be acknowledged that there are different roads to reconciliation (as Zimbabwe’s model is proving) the importance of justice and truth telling cannot be refuted. The absence of truth telling in processes of reconciliation and national healing in Zimbabwe would imply that the government is either dismissing or absorbing the past human rights violations as what Amadiume and AN-Naim (2000:22) call a “mere accident in the course of history”.

This paper has explored reconciliation and national healing issues in Zimbabwe through the ONHRI. Although ONHRI is militated by various social and political foes in its role to promote reconciliation and national healing, it is still worthy acknowledgement as a stepping stone for reconciliation and national healing issues in Zimbabwe that can be improved on. ONHRI is a product of a compromise agreement (GPA 2008) thus its

¹³ Ubuntu is an African form of community based humanism.

work is dependent upon numerous factors including the socio-political environment in which it was created as well as the one it is operating in. This paper has revealed the main social and political constraints that ONHRI continues to experience. Alternative visions for reconciliation have also been presented in this paper and these reveal the possibility of broadening ONHRI's role in promoting reconciliation and national healing.

Figure 1.1 Photo narration of victims and property destroyed in 2008 violence



Source: Researcher's Fieldwork 2011



Source: by Privilege Musvanhiri (2009, Uzumba Maramba Pfungwe)



Victims of political violence: (Ghetty Images 2009 cited in Human Rights Watch 2011) page 2 & 12

Appendices

Appendix 1 Global Political Agreement (2008) Article 7

Promotion of equality, national healing, cohesion and unity

7. Equality, National Healing, Cohesion and Unity

7.1 The Parties hereby agree that the new Government:

- a) will ensure equal treatment of all regardless of gender, race, ethnicity, place of origin and will work towards equal access to development for all;
- b) will ensure equal and fair development of all regions of the country and in particular to correct historical imbalances in the development of regions;
- c) shall 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 political conflicts; and
- d) will strive to create an environment of tolerance and respect among Zimbabweans and that all citizens are treated with dignity and decency irrespective of age, gender, race, ethnicity, place of origin or political affiliation.
- e) will formulate policies and put measures in place to attract the return and repatriation of all Zimbabweans in the Diaspora and in particular will work towards the return of all skilled personnel.

Appendix 2 Consent Form

Title of Project: Seeking Reconciliation and National healing in Zimbabwe: Case of the Organ on National Healing Reconciliation and Integration (ONHRI)

- I confirm that I have read and understand the information sheet for the above study.
- I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.
- I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.
- I understand that relevant sections of my interview will be used for the purposes of this study.

I agree to take part in the above research study.

| | | |
|-------------|-------------|------------------|
| Name | Date | Signature |
|-------------|-------------|------------------|

Name of Researcher: Moreblessing Mbire

Appendix 3 Information Sheet

Title of Paper: Reconciliation in Zimbabwe - Case of the Organ on National Healing Reconciliation and Integration (ONHRI)

This paper seeks to explore the role of the ONHRI in dealing with reconciliation and national healing issues in Zimbabwe. The paper will explore structural constraints that have impacted on the work of the ONHRI as well as the institution's potential.

Sub Objectives

1. To explore how the social, political and economic environment impacts on the work of the ONHRI
2. To explore the extent to which the ONHRI can draw lessons from the South African TRC
3. To draw parallels between Zimbabwe's 1980s policy on reconciliation (as specified by President Mugabe's independence speech) and the ONHRI
4. To assess the extent to which the international, regional and local legal framework shapes or constrains the options for reconciliation and national healing

Appendix 4 Respondents

| Name (or title used for reference) | Gender | Date of Interview (2011) | Type of Interview |
|--|---------------|--------------------------|-----------------------|
| Print journalist | Male | 22 June | In - depth |
| Mr Razemba & Mr Ngwenya (ONHRI Directors) | Both Male | 26 July | In - depth |
| Mr Alec Muchadehama (Human Rights Lawyer) | Male | 18 August | In - depth |
| Mr Njeru (Human Rights NGO Forum – Transitional Justice Programme Manager) | Male | 15 August | In - depth |
| Mr Rashid Mahiya (Heal Zimbabwe Trust Director) | Male | 18 July | In - depth |
| Mr Fidelis Mudimu (Counselling Services Unit, Programme Manager) | Male | 11 August | In-depth |
| Mbare Vendor (also a member of MDC) | Female | 21 July | In - depth |
| Mr Mushonga (Deputy National Organising Secretary) & Fungisai Sithole (Chief of Staff) | Male & Female | 25 July | In-depth |
| Youth Alliance for Democracy Zimbabwe (YAD) | | 22 August | Informal conversation |
| War Veteran (Zimbabwe Liberators War Platform) | | 22 August | In-depth |
| UZ Student | Female | 21 July | In - depth |
| UMP Farmer | Male | 15 July | In - depth |
| Clayton Manjova (Advocacy Officer) Heal Zimbabwe Trust) | Male | 15 July | In - depth |
| Victim of 2008 violence | Male | 15 July | In - depth |
| Ms Tafadzwa Muropa (Women's Coalition of Zimbabwe) | Female | 16 August | In - depth |
| Public transport driver | Male | 21 July | Informal conversation |
| 2 Adult men (UMP) | Male | 15 July | Informal conversation |
| 4 adult women (UMP) | Female | 15 July | Informal conversation |

Data was obtained from personal interviews and intra-personal conversations.

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