

# THE INTERNATIONAL JOURNAL OF BUSINESS & MANAGEMENT

## Rereading the Politics of Reconciliation and Nation Building: Zimbabwe: The Zimbabwean Peace Architecture

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### **Abstract:**

*Reconciliation is the restoration of trust in a relationship, where trust had been violated, sometimes repeatedly. It involves not just forgiveness but many other ways of promoting peace and justice. As both a process and goal, its power must be cultivated and nurtured. In the most fragile of circumstances, reconciliation calls adversaries to create common ground in the midst of bitter memory and ongoing conflict. Zimbabwe is a nation whose last one hundred years of history and policy stands as an example of how to ensure that truth and peace do not prevail. It has been a chronically violent state before colonialism, during colonialism and after Independence in 1980. It is a nation with a poor tolerance of political diversity and a leadership that is committed to never leaving power voluntarily. Political repression has been compounded throughout the decades by a pattern of unjust laws and impunity for perpetrators. Due to politics of repression, a culture of impunity, silence and deep sense of fear and lack of trust among citizens, the government has not been committed to initiate mechanisms to deal with histories of gross violations of human rights. The new government has set up a commission for national peace and reconciliation but citizens are sceptical about its composition and legitimacy. The conclusion of this paper is that there is need to reinstitute a broad-based body led by the church and through consultations develop a reconciliation framework taking into account the various transitional justice mechanisms.*

**Keywords:** Reconciliation, transitional justice, retributive justice, restorative justice, reparation, amnesty, victims, perpetrators, nation building

### **1. Introduction**

This paper grapples with the theoretical conundrum as confronted by post conflict and authoritarian rule and the politics behind the endeavour to get historical accountability for gross violations of human rights. Zimbabwe has never enjoyed peace in the last one hundred years of its history, with repeated conflicts accompanied by gross human rights violations that span from the 1890s the pre-colonial days to the liberation struggle of 1960s to 1979, this was then followed by the internal strife popularly known as Gukurahundi – the state orchestrated massacre of ZAPU supporters in Matabeleland and Midlands provinces during 1983 – 1987, the election related violence of 2000, 2002, 2005 and 2008 and Operation Murambatsvina where the state instituted the destruction of shanty urban settlements under the disguise of cleaning up that rendered more than 700 000 people homeless.

Zimbabwe is a nation whose last one hundred years of history and policy stands as an example of how justice, truth and peace has never been enjoyed by its citizens. Eppel (2006: 2) laments that the history of Zimbabwe is a history of state orchestrated violence, repressive legislation and impunity. During the last three decades, there has never been a period of sustained peace or genuine reconciliation to the past. It is a nation with a history of unresolved conflicts, including racism rooted in colonialism, ethnic conflict, which predated to and was intentionally exacerbated by colonialism. It is a nation with a poor tolerance of political diversity and a leadership that is committed to never leaving power voluntarily (Eppel, 2006: 2). Political repression has been compounded throughout the decades by a pattern of unjust laws and impunity for perpetrators (Amnesty International, 2002: 3). Sadly, in the post- colonial peace accord era that began in April 1980, there was no concerted, formalised attempt to allow truth telling or promote reconciliation between the three warring parties – ZANU, ZAPU and the Rhodesians.

Zimbabwe has been in the throes of a severe crisis in the past decade or so; one which has seen a once vibrant and dynamic society and economy virtually collapsing as political instability, an undefined conflict, lawlessness, misgovernment and a relentless economic meltdown transformed this erstwhile leading Southern African nation into an international pariah and the proverbial basket case.

This paper will focus on the period from Zimbabwe's Independence in 1980 to 2012 which was the period just before the end of the Government of National Unity (GNU). More than a generation after Independence the state had still not initiated any victim - centred transitional justice mechanism, preferring to institute commissions of inquiry, the reports which were never made public. According to the Research and Advocacy Unit (2008) preliminary studies, victims and perpetrators preferred transitional justice as necessary for healing and reconciliation. One of the attempts by the GNU to address human rights violations was the creation of an Organ for National Healing and Reconciliation mandated to

promote healing, reconciliation and nation building, unfortunately the Organ died a natural death without accomplishing anything meaningful even rolling out an operational framework. Human rights defenders lamented the lack of political will to address the gross human rights violations

The problem around which this paper seeks to understand is the politics of reconciliation, peace and unity which have remained elusive in Zimbabwe three decades after political independence from colonialism in 1980. How transitional politics or lack of it continues to hamper the quest for peace, reconciliation and unity.

Zimbabwe, in its current state is a country that, more than in 1980 (when it attained independence from the British) needs reconciliation, social integration and national healing. The need arises from the colonial and post-colonial experiences of human rights violations, dehumanisation and brutalisation of segments of the populace. Zimbabwe continues to grapple with a desperate need to reconcile and restore relationships across divides – former perpetrators, victims and their family members. An analogy of the Zimbabwean conflict clearly demonstrates a systematic and well-orchestrated human rights abuses that tore apart and profoundly destroyed the country's human and physical capital, as well as its socio-economic and institutional foundation. Violent conflicts in Zimbabwe took place in three main phases, the liberation struggle, 1975-1980, the *Gukurahundi* Civil war 1983-1987 and the nascent conflict 2000-2008. This study would like to establish the form of reconciliation and transitional justice mechanisms that would promote social integration and long-term development in Zimbabwe.

This paper aims at informing and attempt to assist the newly established National Peace and Reconciliation Commission, the Zimbabwe Government, peace loving institutions like the Church, Civil Society and Zimbabweans at large to appreciate and understand some of the hidden desires of victims, perpetrators and relatives of those killed, maimed, displaced and disappeared during the crises on future peace and reconciliation processes. In trying to unpack the reconciliation complexity one is left wondering why it has taken so long given that the Zimbabwe government has been part of African and United Nations peacekeeping missions in Liberia, South Sudan, Kosovo and recently Central African Republic and in a way understands the importance of reconciliation processes in the transformation to sustainable social capital and national development. Several Human Rights Civil Society Organizations have carried out sample surveys and concluded that reconciliation process is required as part of post – conflict peace and nation building.

One of the major challenges in understanding organized political violence in contemporary Zimbabwe and Africa in general is that; it has been understood as an episodic rather than systematic aspect of pre-colonial, colonial and post-colonial history (Mamdani, M. 2001:3). It is important not be looking at nuances, continuities and discontinuities but rather concentrate on why state instituted reconciliation approaches are failing. The paper will not criminalize and apportion blame to individuals but simply devise strategies that can be applied.

### *1.1. The Peace Building Network of Zimbabwe*

The network was established in August 2007, specifically to create space for organisations working in conflict management and peacebuilding field to meet, share and assist each other following the relentless human rights violations and continued political repression that had been compounded throughout the decades by a pattern of unjust laws and impunity for perpetrators. The network has among its membership of fifteen civil society organisations, human rights defenders, those documenting and disseminating human rights violations, conflict resolution, management and reconciliation trainer's trauma healing, lawyers and capacity builders. Equipped with experts in various forms the Peacebuilding Network of Zimbabwe has continued to provide spaces in which to promote peacebuilding activities, sometimes with national impact and in other contexts, at localised levels. However, meaningful reconciliation requires the participation of the government.

### *1.2. Theory of Social Reconciliation on Political Violence*

Before the rise of the present discourse on reconciliation, philosophical discussion of the concept was limited to Hegel and the Critical-Theory tradition. Indeed, Hegel (1977) is one of the only philosophers to discuss reconciliation explicitly. Reconciliation has an even longer history of recorded practice dating back to early Judeo-Christian communities. I am starting with Hegel because he offers a systematic explanation of reconciliation that still operates in critical-theory. I appeal to Hegel, not just because he was the first modern theorist to discuss reconciliation, but because he was critically responding to the rise of liberalism from within the eye of the storm, where the nation, capitalism, individualism, and empiricism converged. Hegel acts as a rooted precedent from which criticism of our present continues to draw. He is an important precedent because he believed that the developed world needed to take seriously the notion of reconciliation and, insofar as the present is only now thinking about reconciliation, Hegel remains valuable even if his legacy is problematic.

A number of early scholars who conceptualized political violence, including Thomas Hobbes, Karl Max, Marx Weber and Vladimir Lenin subscribed to the instrumentalization of violence thesis (Mamdani, 2007: 6). Influenced by a tradition of thinking which conceptualised political power as the power to dominate, i.e. to dominate a territory and the people and their resources in it, they saw violence, power and politics as inextricably intertwined (Fraser and Hutchings 2008). Many of these scholars also conceptualized the state as a special organization of force maintaining itself via a successful monopoly and justified use of violence. For instance, Machiavelli argued that a successful Prince must be willing to use violence judiciously (Machiavelli 1961), while Hobbes argued that the power to achieve domination must be centred on the power of the sword (Hobbes 1996). In Weber's view, political action is the domination of a territory by means of violence, while Mao Tse-tung argued that 'power grows out of the barrel of a gun' and Lenin viewed the state as an 'organization of violence for suppression of some classes'.

The instrumental role of violence is however, not just confined to those in power (institutional violence from above). Violence is also instrumentally deployed by those who seek to resist or attain power (violence from below). According to both Karl Marx and Lenin, workers' violence is necessary for resistance of their oppression and exploitation by capitalism and a precondition for a workers' revolution. Frantz Fanon also viewed the colonised natives' violence against the settler colonisers as not only justified but also emancipatory, physically and ideologically. Natives' violence against the settlers, in Fanon's view, is an 'inevitable part of national liberation and decolonisation because it is necessary to help the colonized African reclaim, not just his freedom from colonial subjugation, but also his power and humanity over the white settler' (Fanon 1967).

The Fanonian thinking around violence found traction in a number of African liberation movements, including Zimbabwe's. There is an extent to which Zimbabweans found liberation war violence against both white settlers and their black supporters (sell-outs in the political discourse of Zimbabweans) justified. This Fanonian thinking has continued to inform attitudes towards political violence even in the post-independence phase, where former liberation movements like ZANU-PF view violence against their opponents or those branded sell-outs as redemptive-violence that is necessary and morally justified to defend the nation against recolonization and politically therapeutic to those who receive it (Ndlovu-Gatsheni and Muzondidya 2010).

### 1.3. Reconciliatory Perspectives

Reconciliation is not intuitive, and it is not easy (Villa-Vicencio, 2004: 3). Villa-Vicencio further asserts that, 'As both a process and goal, its power must be cultivated and nurtured'. Lombard (2007; 17) weighs in and said that in the most fragile of circumstances, reconciliation calls adversaries to create common ground in the midst of better memory and ongoing conflict. Barkan (2006: 63) reiterates that, reconciliation seeks to deliver an inclusive or holistic notion of justice that stresses both accountability for past wrongs and the need for the future, peaceful co-existence.

Several literatures have defined and described reconciliation and transitional justice. Lyn Graybill and Kimberly Lanegran (2004) looked at reconciliation and concluded that it varies with meaning and significance. It can simply mean co-existence, or it can mean dialogue, remorse, apology, forgiveness and healing. For each person, reconciliation can begin at the negotiating table, during the prosecution of perpetrators or with the adoption of a new constitution, for example. However, Brouneus (2007) expands the meaning of reconciliation by adding that, one important point about reconciliation is that it is not an attempt to restore things to how they were before the conflict, but rather about constructing relationships in a way that allows everyone to move forward together. It is not so much about the end result, such as punishment, but rather about a sequence of processes that build and improve relationships. Graybill and Lanegran (2004) went further and defined transitional justice which they said refers to the short-term and often temporary judicial and non-judicial mechanisms and processes that address the legacy of human rights abuses and violence during a society's transition away from conflict or authoritarian rule. In the past decade the notions of reconciliation and forgiveness have become central to the transitional justice debate (Hamber, 2007: 116). Brandon Hamber further asserts that reconciliation and transitional justice was previously the domain of philosophers and theologians but has now become integrally linked to questions of political transition.

Anthony Da Silva (2002: 314) views reconciliation broadly meaning "to restore harmony" in a concept closely related to forgiveness. It is generally seen as being consequent to forgiveness (Ibid, 8-9). However, it's exact location, whether consequent or prior to forgiveness, is sometimes disputed. In social reconciliation one would have little problem agreeing with the sequence: repentance, forgiveness and reconciliation (da Silva, 2002: 314). However, Robert Schreiter (1999: 111-3) makes the case that in individual reconciliation the sequence may differ slightly: reconciliation, forgiveness and repentance. Schreiter (2002: 314) further reiterates that it is important to concentrate on social reconciliation, a process of reconstructing societal relationships by reconstructing the moral order.

Da Silva (2002: 315) concurs with Schreiter and says that one of the more important implications of societal reconciliation is its emphasis on restorative justice rather than retributive justice. The latter turns to focus more on perpetrators and how they should be treated as retribution to the society for their wrongdoings. As Howard Zehr (1995: 181) says retributive justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules. Zehr went further to say that restorative justice involves the victim, the offender and the community in a search for solutions which promote repair, reconciliation and reassurance.

However, scholars like Lundy (2008: 268) notes that, that same year 1998, a breakaway IRA opposed to the Northern Ireland Peace Agreement, killed 29 people in a car bomb in Omagh – the biggest single atrocity of the troubles. It was the year the FBI accused Bin Laden of having declared Jihad against the United States and the year of the bombing of the US embassies in Nairobi and Dar es Salaam, resulting in 250 deaths and 5,000 injuries. This same year, rebels backed by Rwanda and Uganda took up arms against the Democratic Republic of Congo President Laurent Kabila. This bloody conflict, which claimed the lives of 3 million people over the subsequent years, is still raging on, though on a small scale today (Mullet and Kandiangu, 2010. 32).

Novick (2001) asserts that during this period there is a shift in the culture regarding attitudes towards victimhood. There is a gradual shift towards embracing victims rather than shunning them. One possible explanation for this shift is that after decades of brutal conflict and failed peace processes, as well as the breakdown of so-called traditional society, a backlash takes place that challenges the separation of church/morality/the individual and the state (Hamber, 2007:117).

Other scholars like Ferguson (2002) highlights that the memory of political violence or the proximity to political violence may reduce the willingness to forgive. This view was confirmed by Hewstone (2004) who found out that being a victim and residing in locations that have witnessed high levels of violence decreases the propensity for forgiveness.

Chapman's (2007: 51-3) research suggests that contrary to popular perceptions, the South Africa Truth and Reconciliation Commission did not encourage forgiveness, nor was it a major focus of victim testimonies.

Bringing perpetrators to justice is seen by some as an essential component of a victim's recovery and psychological healing (Kaimer, Stein, Mbanga, & Dirwayi, 2001). At a minimum it appears some form of apology or public recognition of wrongdoing is needed for forgiveness even to be contemplated. According to Huyse (2003), different instruments are needed to develop a broad process of reconciliation at the political level, such as truth-telling, reparations, restorative justice, and processes to promote healing and reconciliation. Huyse argue that there are three stages to reconciliation: replacing fear by non-violent co-existence, building confidence and trust, and moving toward empathy. The final stage according to Huyse, needs to be accompanied by building democracy and a new socio-economic and political order.

## 2. Methodology Note

The research was conducted through a mini field analysis through fifteen Civil Society organization – The Peace Building Network of Zimbabwe who are currently carrying out peace building efforts across the country in small pockets within their reach. The study primarily sought to identify violence and conflict management strategies, develop a detailed analysis of the various forms of political violence in Zimbabwe and their structural, institutional, cultural and behavioural causes. In an attempt to understand the problem, the study looked at the evolution of the political culture of the country and how it has influenced and promoted violence historically. It also examined the legacies of colonial violence and the liberation war violence and how they have been reproduced and addressed in post-colonial Zimbabwe.

The study looked at political violence in Zimbabwe as not only a multifaceted problem with multiple causes, but as a historically evolved problem which has been recurring historically, politically, economically and culturally. Qualitative research was used, as an inquiry process of understanding based on distinct methodological traditions of inquiry that explore social and human problems (Creswell, 1998: 16). Mouton further agrees that qualitative research should be used for its ability to describe and understand rather than explain human behaviour. The paper is likely to be used to bring out the preferred ways of restoring relationships, policy development to promote reconciliation and healing among victims, perpetrators and political protagonists in Zimbabweans.

## 3. Study Findings

From the data collected and analyzed it is evident that there is no peace prevailing in Zimbabwe. Eighty – three percent of the respondents posited that human rights violations and the salient violence pre and post-independence have left serious wounds among citizens and these have not been healed and need to be resolved or attempts should be formulated through an agreed all-inclusive national process leading to reconciliation and nation building. The study participants preferred the church to lead and facilitate a reconciliatory process, though can work with other institutions like Government, Civil Society and National Peace and Reconciliation Commission. All transitional justice mechanisms were accepted and suggestions were that these could be used separately based on the nature of the context and cultural requirements. There was a call for the reform of several institutions like the Security Sector, the Chiefs Council and the Media.

### 3.1. The Preamble of the New 2013 Zimbabwe Constitution

"We the people of Zimbabwe ... resolve by the tenets of this constitution to commit ourselves to build a united, just and prosperous nation, founded on values of transparency, equity, freedom, fairness, honesty and the dignity of hard work"

This preamble reflects the common values of a people and declares collectively a commitment to such values as the pillars of that society. What stands out in the preamble is for justice and peace is the need for the society to retrospect, even as it designs the new future. Thus, while the new law seeks to maintain order, it also seeks to facilitate a critical transformative process. It is noted that the preamble emphasizes the term 'transparency' as it speaks to a national commitment to transparency, a value that resonates with the critical pillar of transitional justice and nation building, which hinges on 'truth' and openness for both individuals and collectively for the society.

- Zimbabweans do not wish to shy away from the truth of their past. They are willing to confront it. Transparency is commitment to a culture of truth. It among other measures include opening up the critical national processes to public participation and scrutiny.
- Although there are no open conflicts, Zimbabwean asserts that there continue to be 'no' peace but negative peace, which has been characterized by a false sense of peace, fear and intimidation by the state. A peace without justice and freedom according to Johan Gultang (1996). Zimbabwe citizens are clamoring for peace, justice and a nation state.
- The lived memories of the precolonial, post-independence Matabeleland crisis, the violent land reform and the election related violence since 2000 following the emergence of the opposition Movement for Democratic Change, is a clear testimony that people have not forgotten and will not easily forget until and unless a national redress is done.
- A church led healing and reconciliation process is preferred that other institutions like Government, National Peace and Reconciliation Commission and Civil Society. Respondents felt political parties should not lead the process given that most of the last decade violations are of political nature and the violence were political instigated.

- All transitional Justice Mechanisms were recommended however, emphasis was on truth telling processes as respondents felt they need to know the past and more importantly what happened and where to locate the remains of their loved ones. There was considerable debate concerning the starting point for transitional justice mechanisms. The post-March 2008 electoral violence was the latest of several periods of violence. The others include, but are not limited to: resistance to colonial intrusion, the liberation war, the Gukurahundi massacres, the land invasions of 2000 onwards, and operation Murambatsvina. While it would be practical to focus on political repression since 2000, there were concerns about leaving earlier periods out.
- Amnesty especially 'blanket amnesty' was not well received by participants of consultations during this study. They felt only victims, not the state, can give amnesty or forgiveness to the perpetrator. In addition, participants felt that general pardons would preclude a dialogue between victim and perpetrator, which could have a healing effect, in particular if it resulted in acknowledgement and forgiveness.
- The desire for compensation is high among victims, in addition to the desire for justice. There has been no individual compensation of political violence in the country. However, given the scale of violence in Matabeleland in the 1980s and in certain parts of Mashonaland in 2008, compensation may not be viable option as almost every family would have a legitimate claim to compensation.
- Traditional justice mechanisms were almost dismissed on the basis of who would supervise as the Traditional leadership in the country is heavily compromised and cannot ensure just and equity given their open political interest. Most local community conflict resolution processes are now being administered by Civil Society organizations like members of the Peace building network of Zimbabwe.

### 3.2. *The Challenges of Politics in Zimbabwe*

The nature of political violence in Zimbabwe can be characterized as systemic, reproduced, deep and wide. It can also be cast as racialized, tribalised, and class based according to Benyera (2015: 207). This complex nature of violence requires equally complex set of tools and mechanisms to heal and reconcile the communities divided by violence for decades. These mechanisms are broader realist transitional justice mechanisms. According to the field study, Zimbabwean people do not wish to shy away from the truth of the past. The wounds of politically motivated violence have hounded them for long. The desire to know the truth, witness the prosecution of offenders and a mechanism leading to compensation, rehabilitation of victims and forgiveness of offenders and ultimately reconciliation.

### 3.3. *Politics and the Culture of Violence*

Political violence in Zimbabwe has continued to reproduce itself because it has become part of the political culture of Zimbabweans. Zimbabweans have experienced cycles of conflict and violence from the pre-colonial period to the present. Violence has become one of the 'acceptable' ways through which Zimbabweans resolve their differences and conflicts because it has been one of the main recurrent features of Zimbabwean history. To begin with, violence was increasingly deployed to resolve conflicts among pre-colonial groups inhabiting the Zimbabwean plateau during the early state formational processes of the 16th century that resulted in the formation of the Mutapa state. The formation of the Ndebele state in the south western part of the country in the early nineteenth century, following the Nguni dispersal from Zululand, was equally a violent affair which resulted in the dispersal and amalgamation of various defeated groups into the new state. The establishment of the Rhodesian state was also a brutally violent affair through which white settlers managed to establish their rule over the Africans through conquest, subjugation and dispersal. At the same time, the establishment of the post-independence Zimbabwean state was negotiated through violence and blood.

### 3.4. *Fetishism of Power*

Violence in Zimbabwean politics also partly emanates from the obsession with power or what has been called the 'the fetishism of power' that defines Zimbabwe's political culture (Dussel 2008). Across the political divide, including leaders of civil society, the understanding about power and leadership is a corrupted one where the two are confused with domination. Largely influenced by patriarchal ideologies, Zimbabweans largely understand politics and power in Hobbesian and Machiavellian terms of domination- the 'will to power' (Machiavelli; Hobbes; Nietzsche). Influenced by these kinds of approaches to politics informed by fetishism of power, the practice of politics and pursuit of power in Zimbabwe has become a quest to dominate rather than to serve. Political parties have become simple 'electoral machines' used to 'conquer power' and 'retain power, while political leaders have become the centers or sources of political power' rather than the political community defined as the people/citizens.

The fundamental consequence of corruption of 'the political' in Zimbabwe is that it has raised the stakes in contests for political power in a country whose electoral system- the 'first past the post' or 'winner-takes-all' system gives absolute power to one group to govern at the expense of the other. It has been observed elsewhere on the continent that the 'winner takes all' electoral system increases the uncertainties of democracy and lead many politicians to resort to illicit electoral strategies and make use of militant youth wings, militias or the state security forces to either win the election or strengthen their post-election bargaining position (Collier 2009). In their pursuit for absolute power, the price of both victory and defeat for Zimbabwean parties is high, politics and elections have become too competitive and violence has readily been deployed to capture, maintain and retain power both within parties and among parties.

### 3.5. *Politics and Economic Structural Conditions*

Political elites have been critical players in engineering violence and mobilizing members of the community for political violence. A common political practice by Zimbabwean political parties has been the political mobilisation of

unemployed youths, mostly males, to attack opposition supporters and their property. In most cases, the conditions of economic deprivation have made it easier for marginalised members of society to become susceptible to mobilisation for violence. At the other end of the spectrum, socio-economic marginalisation has led people to revolt while intensified competition over limited resources has led to increased intra-community tensions, conflicts and violence. During the 1970s, for instance, a growing number of marginalized African youths in Zimbabwe joined the liberation war to deal with issues of their economic marginalization. In the 1990s, Zimbabweans increasingly resorted to protest action in response to their growing suffering under ESAP. More recently, Zimbabwean communities across the country have turned to violent protests to register their disillusionment with growing economic hardships. A significant portion of intra-community conflicts and violence in rural communities which expresses itself in political forms is also based on economic conflicts over limited resources like land and water. In resettlement areas, for example, the political violence of 2008 was used as a cover for the settling of local scores arising from intra communal conflicts over land and other resources. More recently, the scramble for mining claims among informal miners (makorokoza) has resulted in growing cases of violent conflict in the former mining towns. In some cases, especially those areas where there is a concentration of migrants from different parts of the country, the conflicts have taken political, tribal and regional dimensions.

### 3.6. *The Politics of Identity*

Political violence and conflict in Zimbabwe are also very much linked to the politics of racial and ethnic identity. There has continued to be serious ethnic polarization in the country and ethnicity has periodically led to sporadic outbursts of violence around ethnic and racial lines. The Gukurahundi violence of the 1980s, for instance, had its roots in the historic ethnic fault-line between Ndebele-Shona ethnicities, going back into the precolonial period, solidified under colonial rule and worsened by tensions between ZAPU and ZANU during the anticolonial struggle. Bjorn Lingren (2005) noted that 'people in Matabeleland accused Mugabe, the government and the "Shona" in general of killing the Ndebele'. In the eyes of the Ndebele public, what was portrayed as a mission to stamp out dissidents became an anti-Ndebele campaign that deliberately conflated Joshua Nkomo, ZAPU, ex-ZIPRA and every Ndebele-speaking person into a dissident; a dissident collaborator; a dissident sympathizer and sponsor. This is mainly because the Fifth Brigade unit was almost entirely Shona and justified its violence in political and ethnic terms (Ndlovu-Gatsheni 2008; Alexander, McGregor and Ranger 2000). The atrocities of this period have remained a bitter source of resentment among the country's Ndebele population, who also feel marginalized from both central government decision-making processes and the economy. One of the serious consequences of the Gukurahundi atrocities is that it solidified the feeling of Ndebele-ness among the people of Matabeleland and that is currently making national integration difficult to achieve (Ndlovu-Gatsheni 2008; Lindgren 2010).

### 3.7. *The Culture of impunity*

The culture of impunity in Zimbabwe's politics is one of the critical factors that have helped to make political violence a recurring phenomenon. As Norma Kriger has noted, organised violence and intimidation of the opposition of varying intensity had been a recurrent theme in Zimbabwe's elections because the perpetrators of election-violence have enjoyed impunity, often buttressed by presidential pardons and amnesties (Kriger 2005; Sachikonye 2011). Sachikonye (2011) has rightly added that political violence will remain with us for as long as there is no stick painful enough to dissuade those who enjoy the carrot that is violence. He blames the immunity that has been enjoyed since Independence for recurrence of violence. Sachikonye poignantly argues:

With hindsight, the decision to declare immunity in 1980 can be regarded as a decision made too hastily. It prevented Zimbabweans from learning the real benefits of accountability.' The policy of reconciliation did not prevent the violence of Gukurahundi, nor has it prevented the re-emergence of hate speech, racism and violence today. Impunity has also been our way of shooting ourselves in the foot. It encourages the use of violence as a problem-solving device, with the perpetrators knowing full well that they are untouchable (Sachikonye 2011).

The use of Presidential Powers under the General Amnesty Ordinance of 1980 and the Clemency Order (1988) to grant pardons and amnesties to killers and perpetrators of violence has helped to perpetuate this cycle of violence (Amnesty International 2002).

### 3.8. *The Culture of Silence*

Closely related to the above is the culture of silence around issues of violence. Since the late 1990s, Zimbabwe has indeed witnessed the emergence of critical civil society and online media that openly talk about violence, document cases of violence and publicize names of perpetrators of violence. Since then those in power found themselves hard pressed to account for these forms of violence. But so far, the ZANU-PF government has remained tight-lipped over the atrocities they committed since coming to power. Generally, there is lack of committed state support for healing, apology, forgiveness and reconciliation and this has affected all national efforts to achieve peace, healing and reconciliation. The National Peace and Reconciliation Commission provided for in the 2013 constitution, for instance, has now been instituted but without resources and relevant qualified secretariat because there is no political will to see it roll out its mandate which in essence will expose and shame the ruling party.

### 3.9. *Transitional Justice Mechanism*

One of the strategies that has been suggested for ending the embedded culture of violence by many CSOs and peace experts is the implementation of 'Transitional Justice.' Transitional Justice (TJ), is mainly derived from the model laid in the post-Second World War Nuremberg trials. It aims to help post-conflict communities establish sustainable

democracy, peace and justice by enforcing individual and group accountability for atrocities and rights violation through a full range of judicial and non-judicial mechanisms (Teitel 2002; Munow 1998). Hayner (2001) defined Transitional justice as 'a wide range of mechanisms and institutions used in response to gross violations of human rights. Such mechanisms could be a set of judicial or non – judicial measures implemented by post conflict communities to redress historical legacies of massive human rights abuses. The most common transitional justice choices are 'Truth Telling Exercises, Retributive Justice/criminal Prosecutions, Restorative Justice, Reparations, Vetting and purging of public institutions, Commissions of inquiry, and Traditional Customary institutions.

### 3.10. Truth Telling and Truth Commissions

These are mechanisms of inquiry and reporting on key periods of human rights abuses. These are mostly official bodies with a concrete mandate, such as identifying perpetrators, analyzing patterns of abuse or violence and establishing the facts. Truth commissions may also consider how to address or prevent the reoccurrence of abuse, which can include recommendations about institutional reform (e.g. the military, police or judiciary). Support for a truth commission in Zimbabwe was prominent during the study with over sixty-eight percent % (68%) of the participants advocating for truth telling processes. Even before this study in August 2003, over 70 Zimbabwean Civil Society met in Johannesburg for a symposium on Justice in Zimbabwe, their preference was a 'Truth, Justice and Reconciliation Commission.' The presumption is that such a commission would be valuable in addressing past human rights violations and injustice and contributing to a sustainable peace (du Plessis and Ford, 2009).

### 3.11. Retributive Justice and Criminal Prosecutions

This includes the judiciary investigations of those accused of human rights violations. Retributive justice, relates to the institution of criminal punishment. Retribution involves the imposition of an appropriate sanction or punishment for violation of the penal law. The state through prosecution before a judge must establish the guilt of a person for violation of the law. Following the determination of guilt, a judge imposes the appropriate sentence, which can include a fine, incarceration, and, in extreme cases, a penalty of death. Twelve percent (12%) of the participants felt known perpetrators should be prosecuted. The pursuit of accountability through criminal prosecutions is currently not viable as security and justice institutions are still partisan and corrupt, and there is little political will to engage in serious institutional reform. Besides, the current political climate is still not secure for people to come forward and speak freely against ZANU-PF in trials or formal truth-recovery mechanisms.

### 3.12. Restorative Justice

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to carefully and to collectively identify and address harms, needs, and obligations, in order that one put things as right as possible. Suggestions during the study were that some form of community reparations where for example perpetrators help to rebuild and restock the homes they destroyed, cases that were highlighted included opposition supporters whose homes were burnt by known youths at the instigation of known politicians should be reconstructed by the perpetrators. Eighteen percent (18%) of the participants believe that restorative justice helps victims through various means like skills training, deliberate job offers to support suffering families, access to health and education; state housing and even government creating scholarship fund to meet the education expenses of children of rape and patients of HIV contracted as a result of rape.

### 3.13. Reparations

This entails victims' compensation and the desire for compensation is high among victims in some parts of Zimbabwe especially in communal areas where victims lost their livestock, homes, businesses and other valuables. Participants stressed that the design of reparations should to a large extent be determined by the victims. It was observed that some perpetrators of violence could not afford to pay material reparations, and that under such circumstances, the government should have an obligation to pay.

From the stand point of the victims, reparations occupy a special place in transition to democracy. They are for them the most tangible manifestation of the efforts of the state to remedy the harms they have suffered (Villa-Vicencio 2004:71). In Binga, the bitter Tonga people feel the government has neglected them since 1980, after their forced removal from the fertile valleys of the Zambezi River to pave way for the construction of Lake Kariba for hydro generation, into the rugged terrains of the mountainous Chizarira and Matusadonha National Parks, their livelihoods have never recovered since then. They experience perennial poor harvest, human wildlife conflict and many other challenges associated with drought. The Tonga people suggested collective reparations in the form of improved roads, schools and health services. However, in Matabeleland and Mashonaland the concept of collective reparations was rejected.

### 3.14. Vetting and Purging of Public Institutions

These are efforts to remove individuals associated with human rights abuses from public offices. Very few participants understood this vetting and purging. Only three percent (3%) of the participants selected this transitional justice mechanisms

### 3.15. Memorialisation and Collective Memory

Memorialisation is about honouring the dignity, suffering and humanity of victims, both living and dead and commemorating the struggles and suffering of individuals and communities (Jelin 2007:61). Such a process aims to

contribute to healing and reconciliation, and to ensure that history is never forgotten, regardless of how horrific it may have been (Chitsike 2012; 6). Communities do not deal with mass death by following normal mortuary rituals. Unexposed mass graves serve as constant reminders of the violence imposed on a community, as seen in Zimbabwe under the Gukuranhundi period (Bwenyera, 2014: 241). The process of reburial simultaneously allows collective memory to take on ethnic and political overtones as mass grave excavations, reburials, and memorial building take on political and symbolic meaning (Kontsevaia 2013; 15). There is an inherent paradox in reburial. Reburial attempts to forget the atrocities and help communities move on, while commemorating the violence and the deceased as heroes.

### 3.16. Traditional Transitional Justice Mechanisms

Transitional Justice Mechanisms have of late been expanded to include customary institutions that are being used as transitional justice mainly to seek reconciliation and peace building. These include Nhimbe/Ilima (Community Working Group), Botso (Self shaming), Ngozi (Avenging Spirits), Nyaradzo (Memorial Service) and Chenura (Cleansing Ceremonies)

## 4. Case Study

In an interview with Chief Mujinga of Hurungwe West on 12 August 2019, he shared similarities between modern transitional justice mechanisms with traditional African practices of healing and reconciliation. During the interview Chief Mujinga emphasised that Africans value their 'living dead' and as such any reconciliation should start by identifying the graves of all those who died and were not properly buried, so that they get decent burials and *magadziro/kurovaguva* are performed using the correct procedures. These rituals are believed to allow the return of the dead person's spirit to look after the family. The dead person is believed to be angry when they are not properly buried because they would have been deprived of an opportunity of contributing to the prosperity and security of the family. So, all those who died as a result of politically motivated violence in Zimbabwe deserve to 'return home' so that they can protect their families.

### 4.1. Traditional Rituals as Transitional Justice

The study noted that elderly people of sixty years (9%) of the participants proposed traditional African Transitional Justice methods. Prior to the land reform related human rights violations; violence in Zimbabwe was predominantly perpetrated by soldiers on soldiers or by soldiers /police on civilians something which the state justified under state security. However, the new form of mass violence perpetrated by civilians on civilians require traditional transitional justice mechanisms to address the anomalies. Communities however, bemoaned the politicization of the Traditional Leaders institution as they presided over the traditional transitional justice mechanisms. These traditional mechanisms have a truth telling, apology, forgiveness, reparations and reconciliatory processes. It brought together perpetrators and victims in the presence of the community so that they realise the magnitude of their crime (Benyera, 2014: 337). The processes of apology, forgiveness and reconciliation then follows.

Platforms like Nhimbe (Community Working Groups) give opportunities for truth telling platforms and repentance publicly. Issues of restitution and reparations were discussed during these community working groups and moderated by elders and go between. The ultimate aim of these ceremonies was to reconcile the two families and, in the process, bring closure to both the victim's and perpetrator's families.

### 4.2. The National Peace and Reconciliation Commission (NPRC)

For Zimbabwe to realise peace through reconciliation after transitional justice, the NPRC should play a crucial role in guiding the process. A framework needs to be developed to effectively and clearly show the stages of the process at any given point. The following preliminary processes needs to be prioritized:

- Establish the truth about the past;
- Comprehensively address the issues of dual victim/perpetrator identities whereby most post-independence perpetrators are themselves victims of the colonial past, such that transitional justice would not be alienating.
- Investigate appropriate methodologies by which to establish a process of healing as an urgent priority.
- Research models of transitional justice and their suitability in relation to the Zimbabwean context, and disseminate them in a form easy to assimilate;
- Provide a public platform for victims in which they could have a voice and sense of dignity; and perhaps receive acknowledgement by the perpetrators and the state for harm suffered.

The NPRC needs to be clear as to which conflicts it will be covering and, most importantly, which ones it will be excluding. Adopting timelines which exclude the coverage of the Matabeleland genocide appears inappropriate as this decision runs the risk of reopening ethnic fault lines; these are not yet fully covered even within ZANU PF structures where, for example, leadership positions are allocated on an ethnic basis and not on meritocracy (George Kahari, Personal communication: 22 September 2012).

## 5. Conclusion

Zimbabweans have asserted that there continue to be 'no' peace but negative peace, which has been characterized by a false sense of peace, fear and intimidation by the state. A peace without justice and freedom. Zimbabweans are clamoring for peace, justice and a nation state. Politics and elections have become too competitive and violence has readily been deployed to capture, maintain and retain power both within parties and among parties. Since the late 1990s, Zimbabwe has indeed witnessed the emergence of critical civil society and online media that openly talk about violence, document cases of violence and publicize names of perpetrators of violence. Since then those in power found themselves



hard pressed to account for these forms of violence. But so far, the ZANU-PF government has remained tight-lipped over the atrocities they committed since coming to power. Generally, there is lack of committed state support for healing, national healing and reconciliation and this has affected all national efforts to achieve peace, healing and reconciliation.

Several recommendations have been proffered but more importantly the need to institutionalize a broad-based national reconciliation framework led by the church incorporating other bodies for legitimacy and inclusivity. An array of possible transitional justice mechanisms was suggested including traditional transitional justice mechanisms to cater for traditional African religion. All these options will come to fruition only if the government genuinely supports the reconciliation process, embrace political transition, do away with cultures of impunity, arrogance and transition into a democratic government that upholds the rule of law, separation of power, independent judiciary and justice then the reconciliation process will succeed.

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