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National Reconciliation as a Post-crisis Reconstruction Initiative in Post-2008 Zimbabwe: Opportunities and Challenges.

By

Gibias Mavenyengwa

(11576157)

Dissertation submitted to the School of Human Sciences in fulfillment of the requirements for the Degree of Masters of Arts in Political Science. (MAPOL)

Department of Development Studies

University of Venda

Student: G. Mavenyengwa

Supervisor: Dr. L. G. Lehloka

Co-Supervisor: Mr. S.F. Mathagu

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POSA	Public Order and Security Act
STERP	Short Term Emergency Recovery Programme
UNDP	United Nations Development Programme
WCOZ	Women's Coalition of Zimbabwe
ZANU PF	Zimbabwe African National Patriotic Front
ZAPU	Zimbabwe African People's Union

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ZLHR	Zimbabwe Lawyers for Human Rights
TRC	Truth and Reconciliation Commission
SADC	Southern African Development Committee
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Abstract

This study explores the feasibility of national healing in the current political dispensation in Zimbabwe. The formation of the Government of National Unity (GNU) in 2008 came after a long and protracted socio-political and economic crisis, leading many scholars to label Zimbabwe a failed state. The crisis situation in Zimbabwe was characterised by political violence and other related human rights violations. The March 2008 post-electoral conduct in Zimbabwe is fundamentally important to this study since it ushered in a new dispensation of the GNU. The coalition government was formed by major political parties in Zimbabwe, in order to address the crisis situation in the country. In the light of this background, this study examines the extent to which national healing has enhanced post-crisis reconstruction in the country.

Key words: *national, healing, reconciliation, reconstruction, violence, Zimbabwe*

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Table of Contents

CHAPTER 1 10

INTRODUCTION TO THE STUDY 10

1. Background 10

1.1 Statement of the Problem 13

1.2Aims of the Study/ Objectives 13

1.3 Research Questions 14

1.4 Motivation of the Study 14

1.5 Research Assumption 14

1.6 Methodology 15

1.7 Theoretical framework 16

1.8 Literature Review 16

1.9Ethical Considerations 26

1.10 Definition of Terms 26

1.11 Limitations of the study 27

1.12 Chapter breakdown 28

CHAPTER TWO 29

THE CONCEPTUALIZATION OF NATIONAL HEALING AS A POST-CRISIS RECONSTRUCTION INITIATIVE 29

2.1 Introduction 29

2.2 Transitional Justice: The Emergence of a Paradigm 29

2.3 Focus on Accountability: International Criminal Justice and Truth Commissions 29

2.4 Truth or justice 31

2.5 The Holistic Interpretation of Justice 32

2.6 Feminist view of transitional justice 32

2.7 Peace-building and democratisation 33

2.8 Reconciliation and Conflict Transformation as Multi-Level Processes 33

2.8.1 Rwandan process of reconciliation and healing 34

2.8.2 Transitional justice 37

2.8.3 Forgiveness and Reconciliation 39

2.8.4 Acknowledgement 41

2.8.5 Empathy 41

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2.8.6 Reparation 42
CHAPTER 3 44
TRACING RECONCILIATION INITIATIVE THAT HAVE BEEN DONE IN ZIMBABWE SINCE 1980 44
3.1 Introduction 44
3.2 Striving for National Healing and Reconciliation: Key Considerations 46
3.3 Intra-black reconciliation was peripheral in this socio-political framework 48
3.4 Sport as a tool for reconciliation 50
3.5 Post 1980 Rreconciliation in Zimbabwe 51
3.6 Timing: what counts as the past? 55
3.7 Role of whites in reconciliation in "settler states" 56
3.8 Black to black reconciliation in southern Africa 59
3.9 The role of Churches in Reconciliation 61
3.9 Psychology in reconciliation 63
3.10 Conclusion 66
CHAPTER 4 68
A CRITICAL DISCUSSION OF THE CHALLENGES AND OPPORTUNITIES TO THE NATIONAL HEALING PROCESS 68
4.1 Introduction 68
4.2 Challenges to national healing and reconciliation 69
4.2.1 Problem of Justice 69
4.3 The Problem of Truth 71
4.4 The Problem of Reconciliation 73
4.5 The Problem of Democratization 74
4.6 The Problem of Culture 76
4.6 Organ on National Healing, Reconciliation and Integration: 77
4.6.1 Political Obstacles 81
4.6.2 Problem of accountability 82
4.6.3 Mistrust between the parties involved 83
4.8 Conclusion 84
CHAPTER 5 87
CONCLUSION AND RECOMMENDATIONS 87

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5.1 Introduction 87
5.2 The impact of intense violence 87
5.3 Healing and reconciliation 88
5.3.1 Healing, reconciliation, and forgiving 88
5.3.2 Definitions of Reconciliation and Forgiveness 89
5.4 An approach to healing and reconciliation 90
5.4.1 Role of traditional leaders 90
5.4.2 Understanding the Effects of Trauma and Victimization and Paths to Healing 91
5.4.3 Understanding Basic Human Needs 91
5.4.4 Sharing Painful Experiences in an Empathic Context 92
5.5 Goal: Healing or Community–Building 92
5.5.1 Focus: Religious or Secular 92
5.6 Conclusion 93
5.7 Recommendations 94
5.7.1 The path to truth, reconciliation and justice 95
5.8 limitations of the Study 96
5.9 Recommendations for further study 96
5.10 Conclusion 97
BIBLIOGRAPHY 98
Books 98
Journals 106
Working papers 107
Newspapers 107
Internet sources 108
Unpublished works 109
Statements M.O.U 109
Thesis 109

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1. Background

A culture of impunity seems to run deep in Zimbabwe's politics. The colonial Rhodesian state set the precedent for blanket amnesties when it implemented the Indemnity and Compensation Act of 1975.According to this Act, Ian Smith's government granted amnesty willy-nilly, both retroactively and in advance. This was afforded to members of the army, the police, the Central Intelligence Organisation (CIO), as well as the civil service for offences committed in the advancement of the aims and objectives of the minority government. The Rhodesian state adopted these measures to give its security forces extrajudicial powers to control the nationalist inspired insurgency in the 1970s (Muchakanya, 2006: 2).The Lancaster House Agreement of 1979 and the transitional government passed the Amnesty Ordinances of 1980 which pardoned the excesses perpetrated during the liberation war (De Waal, 1990: 32).

At independence in 1980, Prime Minister Robert Mugabe further declared a policy of national reconciliation in which he urged all citizens across the political, ethnic and racial divides to let bygones be bygones. The policy involved the granting of state-sanctioned forgiveness to the human rights violations perpetrated by the colonial state functionaries and soldiers (Mashingaidze, 2010: 22). The reconciliation policy of the 1980s was narrowly conceived because it accorded premium attention to peaceful interracial relations between blacks and whites, due to the fears of international community. The white community feared that Mugabe, a strong-willed Marxist-Leninist guerrilla leader of the nationalist movement, harboured a night-of-the-long-knives[1] agenda against those who had incarcerated and persecuted him (De Waal, 1990: 122). Intra-black reconciliation was peripheral in this socio-political framework at Zimbabwe's independence.

The ZANU (PF) led government faced multiple challenges including the dissident's problems in the Midlands and Matabeleland Provinces. The reaction by the government led to seven years of

[1] Also known as "Operation Hummingbird", the agenda took place in Nazi Germany between 30 June and 2 July 1934 when the Nazi regime led by Adolf Hitler carried out a series of political murders mainly killing the opposition leaders.

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political instability known as *"Gukurahundi"*,[2] meaning cleaning away the chaff (De Waal, 1990: 95). The Gukurahundi inferno resulted in the death of more than 20 000 individuals. The Unity Accord of December 1987 between ZANU (PF) and ZAPU (PF) resulted in the cessation of hostilities. However, it was accompanied, yet again, by a government-granted amnesty to the dissidents, those who had aided ZAPU (PF), political fugitives from justice and all members of the security forces who may have committed human rights violations (Mashingaidze, 2010: 22). The Unity Accord did not emphasize the need for reconciliation to those affected and socio-economic development to the people of Matabeleland and the Midlands. Individuals and institutions that perpetrated violence were never tried, nor did any ever seek forgiveness from their victims, at least through acknowledgment of their roles in the crisis. Political expedience has, at times, compelled the ZANU-PF government to clamor for silence over potentially human rights violations in Zimbabwe (Machakanja, 2006: 7).

Since independence, Zimbabwe has overwhelmingly been overshadowed by violence and this has become the greatest challenge in the determination to achieve and attain sustainable peace and development. The lack of transparency in the core issues of governance such as rule of law, human rights protection, democracy and emancipation (Murithi and Mawadza, 2011: 21). The political events in the years preceding 2000 have created and maintained serious humanitarian crisis in the country. The emergence of Movement for Democratic Change (MDC) in 2000 gave birth to violent politics. Since the violence has punctuated the land reform, the referendum and elections of 2000, March 2002, March 2005 as well as the "Operation Murambatsvina"[3] of 2005. This was a nationwide cleaning campaign to remove illegal buildings and people according to the Zimbabwe ruling (Bratton and Masunungure, 2006: 44). However, to the ordinary people and human rights organisations, this was the worst human rights violation as it infringed on the principle of the right to health, shelter, living, employment and independence (MDC, 2008: 37). "Operation Murambatsvina" displaced thousands of people, left others homeless and even destroyed their way of life. As a result of this entrenched culture of impunity in Zimbabwe, there

[2]This was an event in the history of political development in Zimbabwe after independence (1982-1987) when ZANU-PF engaged in ethnic cleansing against the Ndebele people in the Matabeleland and Midlands Provinces. Ironically, the then Minister of Home Affairs, Joshua Nkomo, had been a veteran in the armed struggle and an equal partner to Robert Mugabe during the Lancaster House negotiations.

[3]This was an event that occurred after the 2005 parliamentary election when the ruling party embarked on a series of clean-up campaigns which mainly targeted supporters of the opposition MDC as a pretext to rid the urban areas of squatter dwellings and illegal trade.

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is a dire need for healing and reconciliation among the citizens (Bratton and Masunungure, 2006: 44).

The elections of 2008 were equally violent and have been termed near genocide because of the magnitude of the violence, especially the period leading to the elections. In 2008, when The signing of the Global Political Agreement (GPA) in 2008 resulted in the violence subsiding (MDC 2008: 36). Since 2002, Zimbabwe has experienced the imposition of targeted sanctions by the international community led by Britain and the United States of America (USA) adding to the country's many woes. This has seen the country experiencing a humanitarian crisis in politics, the economy and social issues exacerbated by food insecurity due to the drought and indiscriminate floods (MDC, 2008: 37). The 2008 elections were the bloodiest and formed the climax of the crisis as they led to the deterioration of all livelihoods and existence of the people of Zimbabwe (Murithi and Mawadza, 2011: 197).

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. 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. The Article says

> …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 spearhead 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

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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). It is against the background of the above issues that the study focuses on "National Healing as a Post-Crisis Reconstruction Initiative in Zimbabwe: Opportunities and Challenges, 1980-2008".

1.1 Statement of the Problem

Following the political stalemate leading to the formation of the GNU, Zimbabwe is now faced with a mammoth task of nation building and reconstruction. So far, there are attempts to implement national healing in the whole country. The resort to national healing stems from the polarization of political violence and fragmentation of society since 2000.This is compounded by the speculation and fear of the political parties and leaders involved that they have conflictual differences and they have been the main actors in the crisis in Zimbabwe. Therefore, none of the leaders is publicly in support of national healing. With the national tremor and violence faced in almost every part of Zimbabwe, the bloodshed, deaths, injuries and psychological problems faced during the last decade, Zimbabwe needs healing to achieve socio-economic and political recovery. This seems difficult because the leaders are not committed to the ideal.

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 constrains being experienced by the ONHRI. The focus of this study therefore is to establish the extent to which National Healing has been implemented. The study questions as to whether or not anything has been done in as far as post-crisis reconciliation and reconstruction is concerned. It examines the methods used for purposes of national healing and the key players or actors in the process. This gives rise to the research aim and objectives below.

1.2 Aims of the Study/ Objectives

The aim of the study is to examine the feasibility of national healing in the post GNU era in Zimbabwe. The expansion of the aim leading to the research objectives below,

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- Assess the conceptualization and development of national healing as a nation reconstruction initiative.
- Trace the national healing processes that took place in Zimbabwe since 1980, 1987 and 2000.
- Assess the challenges and opportunities faced since the inception of the GNU to date.
- To suggest possible recommendations that can assist in attaining National healing in Zimbabwe.

1.3 Research Questions

- What is the conceptualization of national healing as a Zimbabwean reconstruction initiative?
- What is the starting point of national healing in Zimbabwe?
- How has Zimbabwe dealt with past human rights abuses since independence?
- What are the opportunities and challenges so far experienced in attaining national healing in Zimbabwe?

1.4 Motivation of the Study

This study is motivated by the need and desire to have a comprehensive scholarly inquiry in the implementation of the so called national healing process that has been in place in Zimbabwe since 2008. The disintegration of society and communities due to political violence mostly noted towards and during election times has impoverished and affected the ordinary citizens. The state has however tried to institute national healing and the researcher tries to assess and examine the extent of the progress and effectiveness of the process.

1.5 Research Assumption

The overall assumption for the study is that the multilayered nature of the Zimbabwean crisis has so many issues to be addressed. For example, one would want to know if Gukurahundi massacres are part of the national healing process. This study argues that national healing in Zimbabwe will lead to a dead end unless other crisis situations preceding the 2000 violence are addressed.

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1.6 Methodology

The researcher will make use of qualitative research methodology in this study. Qualitative methodology is broadly defined as synthesis and integration of data from multiple sources through collection, examination, comparison, and interpretation (Babbie and Mouton, 2001). The study uses case studies and when, how or why questions are posed in a situation where the investigator has little control over events, or when the focus is on contemporary phenomena within real life contexts. Both primary and secondary data sources are employed. Data shall be extracted from documents such as publications on political, social acts of violence, national healing and reconciliation reports and other recognised documents. The gathered data will encompass the different ways and methods of implementing national healing and more importantly how the ONHRI is implementing this process.

Qualitative method of data collection shall address the flexibility needed in direct in-depth interviews based on diverse participants from various groups and sub-groups in the population sample. Participatory-observation will enrich the data collection tools since the researcher has solid knowledge and experience of the society under study. However, interviews, observations and field study will be done diligently in this study due to the sensitivity of Zimbabwean politics unless special need arise, henceforth reinforcing the need for qualitative techniques.

A detailed description of genocidal issues that have made it necessary for Zimbabwe to need national healing process shall be revealed through the use of secondary sources such as published sources. Qualitative data analysis shall be done through an inductive approach where raw data shall be read thoroughly to identify themes and categorize it so as to condense the study.

As noted by Creswell (2003), qualitative research is based on the development of themes through the collection of open-ended data. Basically, the following steps in the collection and analysis of data shall be adhered to: note taking of main ideas either during data collection or immediately after data collection. Coding of the noted ideas will subsequently follow focusing on highlighting ideas, categories or themes that help to answer the research questions and the more general query of the study. Themes will then be developed emerging as concepts that explain how ideas or categories are connected. Finally, sorting, which is compilation and arranging of themes, codes and illustrative quotes into the outline of an explanatory narrative shall be embarked upon.

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1.7 Theoretical framework

In the past two decades, scholars and practitioners have focused increasing attention on the question of how countries and societies can come to terms with a history of violence and war, oppression and human rights violations. The concept of transitional justice (TJ) has come to play a prominent role in academic debates on democratisation, nation-building and state reconstruction, and has gained widespread support from international organisations. Judicial proceedings and prosecution of individuals suspected to have committed gross violations of human rights is another form of transitional justice called retributive justice. Truth commissions designed to establish a record of wrongdoing, reparations to the victims and vetting or dismissals of persons from certain positions have become central ingredients in the menu of reforms recommended by international organisations, donor agencies and outside experts for societies in transition from war or authoritarianism (Thoms et al, 2008: 9). The concept of reconciliation has gained similar popularity. In the past decade, reconciliation has become one of the four main categories of initiatives that receive donors' support, along with political development, socio-economic assistance and security (Smith 2004). This study, therefore, makes use of transitional justices with great emphasis on restorative justice as its key theoretical framework.

1.8 Literature Review

Nation building and reconstruction is a broad theme that has been published by scholars such as Murithi and Mawadza (2011), Machakanya (2006), Lederach 1997), Tutu (2000), D, Slabert (2000) and many others. These scholars have focused on the following thematic issues; the South African experience in peace building, restorative approaches to nation building, and the role of African culture in healing and religion in reconciliation processes.

According to Van der Spuy (et. al.2007), restorative justice approaches emphasize a bottom-up processes founded on ordinary people's experiences and is concerned with taking steps that they feel would set things right. A restorative justice approach does not, however, discount the value and effectiveness of criminal punishment as a means of affirming the dignity of victims and preventing vengeance. Trials in criminal courts in transitional settings cannot be easily dismissed as merely backward-looking: they may be essential to ensure a sense of justice, thus avoiding self-help measures, and to deter future abuses (Jeong, 2005:165 and168).

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In considering general matters of approach, there are certainly real-world tensions between pursuing both peace and justice (Biggar, 2001; Nesiah, 2005). In some cases, the price of peace deals with accepting that justice might need to be stayed against important stakeholders (Grono and O'Brien, 2008). However, some aggrieved parties will simply not be able to contemplate peace without justice being seen to be done. However, it is necessary to move beyond polarised debates presenting these two ideals as incompatible objectives: this obscures efforts to consider the potential for approaching these issues in a more integrated and mutually reinforcing way (Simpson, 2008). This may lead to an abdication of the duty to seek imaginative, tailored solutions. To simply place prosecutorial justice and the attainment of peace into opposed, abstract categories comes at the expense of "an informed analysis of where tensions do (and do not) exist on the ground" (Sachs, 2008).

A minimalist definition offered by Kriesberg (2009) states that reconciliation refers to the process by which parties that have experienced an oppressive relationship or a destructive conflict with each other move to attain or to restore a relationship that they believe to be minimally acceptable. Kriesberg writes in the context of preventing further violence, but a devastated society that is founded on interdependent networks of relationships may require more than "minimally acceptable" relationships to function effectively and avoid a reoccurrence of violence. A wider conception of reconciliation which focuses on rebuilding of relationships should be. Kriesberg rightly states that people may be living as neighbours and yet are locked into long-standing cycles of hostile interaction, animosity, fear and stereotyping.

During South Africa's apartheid era, 18 000 people were killed and 80 000 opponents of apartheid detained, with 6 000 of these being tortured (Botcharova, 2001: 269). Structural violence was present in every area of society, with policies and laws that led to the systematic dehumanising of millions of people on the basis of their race. The Truth and Reconciliation Commission (TRC) was established to investigate human rights abuses committed between 1960 and 1994, and to offer amnesty to individuals in exchange for their full disclosure about their past acts. According to Graybill (2004: 1116), its mandate was to give as complete a picture as possible of the violations that took place during the period, focusing on gross human rights violations defined as "killing abduction, torture, or severe ill treatment". Some 7 000 people applied for amnesty, and it was granted to about 16% of applicants. Only around 10% of the 20

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000 people wanting to testify at the TRC were heard. But the TRC hearings were not intended as a means of trying everyone involved in apartheid, but rather as an opportunity for all South Africans to hear the complexity of the stories of what happened. Preference was given to those whose stories included particular trauma or those whose stories had never been heard.

Kelman (1999) claims that re-humanisation of both perpetrators and victims was at the heart of the TRC so that South Africans could begin to engage each other as human beings in relationships. This kind of philosophy led to very moving encounters during the TRC procedures but, since then, there have been some very critical voices about the amnesty process. Kelman, (1999: 199) undertook a study with 20 women who survived political violence during apartheid and testified at the TRC. Their study reveals that these women had thought they were testifying for the perpetrators to receive punishment and they were very angry that their perpetrators went away unpunished. Kelman (1998: 37) also writes that although the TRC may have had a role to play in the national process of healing, and that telling their stories may have been cathartic for some, others felt like pawns in the national healing process, where their suffering was used to help the nation but they themselves benefited from it very little. In South Africa today, the author adds, there is a growing frustration and anger among young South Africans that their leaders conceded too much and that whites continue to benefit from the apartheid system, while blacks continue to suffer in poverty and unemployment. This makes it very difficult to assess whether the TRC was successful in contributing to reconciliation, and whether the reconciliation process in South Africa is unfolding in a positive direction. Its strong emphasis on mercy and forgiveness was very moving and beautiful but it may not have satisfied young, poor, powerless and angry people in terms of justice (Kelman, (1999: 199)

In 1994, almost a million Tutsis and moderate Hutus were killed in Rwanda during the three-month government-led genocide. Prior to this, there had been repeated events in Rwandan history where thousands of Rwandans were killed in violence between the Hutu and Tutsi ethnic groups. After 1994, some two million people, mostly Hutu refugees, died in the Democratic Republic of the Congo (DRC) (Botcharova, 2001: 270). Due to the extent of the violence and horror that occurred in Rwanda, the genocide in 1994 ended when a military group (the RPF) of mostly Tutsi exiles overthrew the Rwandan government and took power in the country. By this time, the country had been stripped of all resources, the government coffers were empty and

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almost every Rwandan was either internally displaced or had fled the country. There was no judicial system left in place and the RPF had to rebuild the country from scratch, while hundreds of thousands of people accused of genocide crowded inadequate jails. In response to this, the government turned to its traditional justice system of *gacaca*,[4] which involved holding court cases within local communities, outside on the grass, with respected community leaders acting as judges. Through this process, thousands of court cases could be held across the country simultaneously, and members of the community were directly involved in resolving the cases.

There were atrocious human rights violations on an unimaginable scale during the genocide, with groups of people being rounded up by the *Interhamwe*[5] and slain, often with machetes. A huge number of women were rape victims and victims of other forms of sexual torture (Dallaire, 2005; Henson, 2005). The violence left the country in shambles as a great many public leaders, community officials, and respected business leaders were killed, along with a lot of the citizenry in areas all over Rwanda. There was also a great deal of damage to buildings and infrastructure that took place as a result of the fighting and weapons being discharged. Eventually, the country reached a modicum of stability when the ex-patriot Tutsi militia, the Rwandan Patriotic Front, wrested control of the country from the *Interhamwe* (Bishop, 1999: 3).

Although it has been described as a restorative approach to justice, closer scrutiny shows that it leans more towards the retributive justice. The traditional form of *gacaca* was restorative, but the modern form had to fulfill so many legal pressures from the international community, as well as pressures for justice from survivors of the genocide, that it differs substantially from its original form. In the *gacaca* process adopted in Rwanda, the whole community is involved, as in a restorative approach, but offenders stand on their own before their accusers. If the community decides they are guilty, they have no lawyer (as in a Western model) or family members (as in a traditional model) to stand up in their defense (Fierens, 2005: 968). Further, their guilt and punishment are decided on by the judges, rather than the community collectively. So, rather than it being a negotiated process between an offender and their family and a victim and their family, in this case, it is a legal process where an individual takes individual responsibility, with the input of the community in terms of clarifying what actually happened.

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[4] *Gacaca* refers to a Rwandan indigenous conflict resolution process that was used to resolve village disputes.
[5] *Interhamwe* means those who stand, fight, work together. In this study, it refers to a Hutu paramilitary group in Rwanda during the period surrounding the violence related to the genocide in 1994.

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The truth commission may be one valuable ingredient in facilitating a sustainable national peace for Zimbabweans. This is because various human rights abuses in the country's modern history have been serious, widespread, persistent, deliberate, and systemic and conducted largely with impunity. Also it is both right in principle and prudent for peace building prospects that these issues and events be formally and publicly acknowledged and addressed in a way that arrests the pattern of impunity. It also enables a measure of justice and affords victims due redress. However, this does not occlude the possibility that a legitimate transition may occur without serious resistance and conflict now or at a later date. On the first premise, human rights abuses perpetrated, encouraged or tolerated primarily by the state and its agents since at least February 2000, and which continue to this day, have constituted criminal and civil wrongs. These have led to loss, pain, grief, distrust, uncertainty, suspicion, grievance, anger and dislocation. The abuse of human rights and the culture of impunity in Zimbabwe have been fairly well-chronicled (Raftopolous and Savage, 2004: 9).

According to Parker (2008: 5) there is a tendency to concentrate on internal political factors shaping any peace institution, reflecting assumptions that truth commissions result from and reflect local demands. However, the author points out that this overlooks the significance of external political concerns, demands or expectations which may be crucial in shaping the choice or form of institution. There is a need, therefore, to be careful that transitional justice options and institutional models (such as the TRC) are not selected for reasons that have more to do with appeasing international expectations or following rule of law prescriptions than what is really needed and wanted on the ground (Dezalay and Garth, 2002: 326; Klug, 2002; Parker, 2008: 37). Truth Commissions are not an end in the process as they are pursued formulaically and regardless of the circumstances. These authors assert that it ought to be established whether such an exercise has popular support among ordinary persons not just local or international NGOs or other elites.

The 2008 MDC policy on justice is that the right to know extends from victims to the rest of society to become a collective right. This is meant to ensure that violations are recorded in history so as to prevent their recurrence (MDC, 2008: 36-37). For many victims no new truth will emerge, but formal acknowledgment of their truth can be vital in individual and group healing, forestalling division, and enabling peace building (Du Toit, 2000). However, as Jeong

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and Grieff (2005: 165) have rightly pointed out, knowing the truth of what took place is a necessary condition for forgiveness but not a sufficient condition for reconciliation and peace.

In addition to its truth-seeking function, such a commission can be a platform for a range of processes, aimed at both addressing matters of principle and ensuring grievances do not undermine the prospects for sustainable peace. Such commissions can become the focal point for efforts going beyond the establishment of truth efforts at reparation by which is meant not merely financial or other economic or in-kind compensation, but broader notions of restitution, rehabilitation, satisfactions and guarantees of non-repetition (Hamber, 2007: 115; Hayner, 2002: 597).

Hamber (2001) and Long and Breeke (2003) agree that victims' needs are individual and communal, structural and psychological. Truth commissions allow a forum for forgiveness to be given, and for formal recognition of victims, so helping them reclaim their dignity. Perpetrators are, therefore, afforded a formal mechanism to renounce their violent deeds and to re-join society in some fashion. 'Reconciliation' may mean many things but is essentially about the (re)-building of civic trusts and shared commitment to certain normative values, including by putting some past differences aside (Bosire, 2006: 27).

The post-conflict reconstruction is not a new phenomenon but can be linked back to the Marshal Plan given to the countries in Western Europe after the Second World War Carr (1991: 367). Reconstruction efforts in the early 21st century in the Balkans, Afghanistan and Iraq and the peace process in Africa post-conflict reconstruction in Sudan, Democratic Republic of Congo, Burundi and the Comoros. There have also been African Union and NEPAD policy briefs dealing with post-conflict reconstruction and development (Kotze 2008).The fact that many organisations are concentrating the resources and efforts of the reconstruction after conflict and national healing being the foundation and basis of all reconstruction initiatives means that for Zimbabwe to develop, it must heal individuals and as a nation throughout this process of healing, reconciliation and integration.

Mediation is not only about the cessation of hostilities, it is also about resolving underlying issues. While a forceful method of mediation can be effective in persuading conflict parties to sign an agreement, it does not always allow the conflict parties to make the compromises that

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could result in a more durable agreement (Brooks and Sean 2008: 414 and 428). With regard to the Government of Sudan (GoS), it could be argued that the pressure put on Omar al-Bashir's regime resulted in the GoS signing the Darfur Peace Agreement (DPA), but not because they genuinely wished to resolve the conflict. As Flint and De Waal (2008: 210) put it, the prize of peace for the GoS was not tranquility and development in rural Sudan, but normalised relations with Europe and especially the United States. Indeed, as early as mid-September 2006, the GoS undertook a major offensive aimed at crushing the rebellion in Darfur, thereby rendering the DPA useless. In this situation, Zimbabwe learns a government of national unity should about the nation and its citizens not about the country's international image. There is suspicion that the agreement mediated by the former South African President, Thabo Mbeki, could have been done to appease Europe and Washington than for the building of a better Zimbabwe (Lauri, 2007; 254).

According to Tutu (2000: 23) forgiveness and reconciliation are closely related, but they are not the same. Forgiveness is often associated with religion, but it is also practiced by societies when communities or nations forgive others. Thus, forgiveness is the culmination of the healing process, which starts when people confront their past. Other important steps in the healing process include acceptance of the past, letting the past go and the re-humanisation of the villains. In principle, forgiveness has three essential elements, memory, empathy and imagination. Memory is critical in forgiveness, as it is only through remembering the past that people can call-up courage to forgive (Lederach, 1997: 26). Empathy entails recognition of the common humanity between the victim and the villain to stop revenge. The evidence of forgiveness is freedom from vengeful actions. This means it is possible for the victim to forgive the villain without offering reconciliation. Additionally, forgiveness is unconditional; that is, it is possible for the victim to forgive the villain without the latter showing any remorse.

According to Lederach (1997: 26), reconciliation views a conflict as a system and focuses its attention on relationships within that system. Thus, reconciliation entails reintegration of the relationship between former victims and aggressors in a new, safe surrounding designed and built by both sides. A critical pillar of reconciliation is acknowledgement of the injuries by the villains. Reconciliation is, therefore, conditioned on the attitude and actions of the villains. In essence, reconciliation entails restoring relationships that are free of yesterday's hate and

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bitterness. Reconciliation is, therefore, not only about healing the past and forgiving the villain, but also about developing a new relationship and new attitudes, with the hallmarks of inclusion, empathy, respect and a shared future.

The author furthermore asserts that reconciliation is the meeting point between the painful past and the future. This leads to healing and involves forgiving victims and remorseful perpetrators lead to reconciliation. He also indicates that truth-seeking is a victim-centred approach that aims to probe what happened, why it happened, and who did what. The process seeks truth through the victims' testimonies and stories of suffering. Hence, the power of the victims' words is not legal, but emphatic. Lederach (1997, 26) continues to write that truth-seeking, is an opportunity for people to express to and with one another the trauma of loss and their grief at that loss, and the anger that accompanies the pain and the memory of injustices experienced. The truth helps to prevent further conflict and to break cycles of violence and revenge. The other aim of truth-seeking is to reconcile the various truths and memories, with a view to building a common memory and a collective narrative, which are larger than any party's narrative. Common memory and narrative is the cornerstone of a shared future. Thus, truth provides the foundation for healing, accountability, forgiveness and reconciliation.

Another crucial factor that is mentioned is empathy. According to Chapman (2001: 247), a key element of reconciliation is the willingness by the victim to let go of the past and forbear from seeking vengeance. The decision to let go of the past is based upon recognition of the villains' humanity. The re-humanisation process has several steps. First, the victims realise that the "basic needs" that drive the injury are very human. Second, the victims view the conflict as a shared problem. Third, the victims recognise the common humanity between them and the villains. Fourth, the victims undergo an inner transformation, acknowledge the humanity of the villains and accept them in their moral community. The highest point for empathy is recognition of the villains' humanity, even in the commission of dehumanising acts. Empathy is, therefore, about overcoming the hatred that pervades the relationship, and restoring the villains' humanity. However, restoring the humanity of the villains does not mean exonerating them from the injury.

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On the contrary, it is an expression of the humanness of all. This is the logic of the *ubuntu*[6] philosophy in the South African truth and reconciliation model.

Truth, acknowledgement and empathy are necessary but not sufficient conditions for reconciliation. Accordingly, truth and acknowledgment will lack credibility in the long run if unaccompanied by other acts of concrete restorative justice (Dawson, 2001: 219). Restorative justice has several dimensions, which include acceptance of justice as social justice, forbearance, refrain from mutual dehumanisation, and repair of past injuries. Unlike retributive justice, which focuses on the punishment of the villains, restorative justice focuses on the repair of the injuries, compensation for the losses, and restoration of relations between the victims and the villains. Thus, restorative justice aims to reintegrate both victims and perpetrators into some approximate civic relationship (Dawson, 2001: 220). Indeed, one of the criticisms of international human rights organisations' interventions in civil conflicts in Africa, such as Darfur and Côte d'Ivoire, has been that they emphasise punitive justice, which seeks to prosecute a few individuals, rather than restorative justice. In short, restorative justice responds to the reparation needs of the victims and the rehabilitation needs of the villains.

Dawson (2001) also argues that people find it difficult to forgive and reconcile, unless there has been an open acknowledgement of the injuries and losses. That is, an open and shared acknowledgement of the injuries and losses is a critical condition for reconciliation. This is particularly relevant in cases like Darfur, Sudan and Côte d'Ivoire, where mutually destructive collective violence involved a very large number of people. Acknowledgement in these cases serves several purposes. First, it is an acceptance by the villains of the moral responsibility of the injuries and losses incurred by the victims. Second, it allows the perpetrators to request forgiveness formally, and for the victims to grant it. Third, acknowledgement forms the basis of symbolic reparations. Fourth, it provides an opportunity for the concerned parties to share a common understanding of the past, which forms the foundation of the commitment to a shared future (Dawson 2001: 219)

[6] Ubuntu is an African ethnic and humanist philosophy which has reverberated in post-apartheid South Africa focusing on people's allegiances and relations with each other, especially when referring to moral regeneration issues.

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Slabbert (2000: 62) points out that a contrite leadership is a necessary condition for the successful implementation of restorative justice and visioning of a common future. Citing the example of former President Nelson Mandela of South Africa, Slabbert (2000: 63) argues that an example of personal reconciliation needs to be made at the leadership level for social reconciliation to be successful. The reality of a shared future for South Africans was symbolised in the famous event of Mandela, dressed in a Springbok rugby jersey, congratulating the Springbok captain, Francois Pienaar, after the South African team won the 1995 Rugby World Cup. Damages caused by violent conflict require substantial public and private resources. Therefore, the two processes of addressing the past and mapping a new future, and raising the required resources necessarily require courageous leaders on all levels of society (Slabbert, 2000: 69).

Maphosa (2010) in facing the forces of change in Burundi's upcoming elections exposes the possibilities and probabilities that might be a cause of concern in connection to the power sharing government in Burundi that came after 16 years of conflict and savage fighting, ethnic and tribal divisions. The year 2010 saw Burundi anxiously waiting for the democratic transition which came about or was made possible by the peace accord when the (FNL) Forces Nationales de la Liberation in 2009 joined the government, ending years of insecurity. He however notes the importance of this deal as Burundi was heading toward the elections that it maintained peace among violent prone political groups. It was to take Burundi five months period of elections from presidential to cabinet members. The elections were to take place under new and improved electoral laws and body. Burundi becomes a very interesting case study in that it is one of the poorest countries in the world, having survived 16 years of conflict, with deplorable socio-economic conditions and a political climate once controlled by guns but is now controlled by democratic elections (Maphosa, 2010).

According to Fukuyama (2006), disarmament and demobilization must be supported by adequate reintegration processes in order to ensure their sustainability and underpin security, while development of the rule of law is essential for longer-term structural stability. In order to heal the deep wounds left by years of conflict, it is necessary to conceive and implement a comprehensive, inclusive programme for national reconciliation (Fukuyama, 2006) the author continues to note that the constitution drafting processes should be closely linked to the peace

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process, must not be rushed, and as far as possible, should be carefully aligned with existing legal provisions. Elections are not the ultimate aim of a peace process and must be used as a mechanism to engender deliberation, participation and national reconciliation; they should not be turned into a superficial and hurried public demonstration of doubtful democratization.

1.9 Ethical Considerations

This research is a literature based study which involved analysis of volumes of secondary and primary sources of literature. The researcher will take utmost consideration to uphold ethical standards by duly acknowledging authors of materials used in this research. All secondary sources of data shall be acknowledged and results of the study shall be communicated before publication.

The unstable political climate in Zimbabwe leaves many divisive issues which need deeper understanding for the participants in relation to the purpose of the study. In this regard, the study has an informative agenda rather than political orientation. Prior consent from the relevant authorities on all key resource areas shall be secured before engaging with any participants. Informed consent based on the basic components which are competence, voluntarism, full information and comprehension on the part of subjects will be adhered to in this study. No financial stimulus will be needed or offered in this study to induce participants. The sensitivity of the Zimbabwean politics requires a high degree of privacy and confidentiality on all participants. All secondary sources of data shall be acknowledged.

1.10 Definition of Terms

National healing- is the national restoration or curing of past wounds and grievances and the restoration of national harmony.

Gukurahundi- is the Matabeleland and Midlands brutal violence where the government sent the Fifth Brigade to quell the rebellion in those provinces from 1980 to 1987. It was called Gukurahundi because the soldiers harmed all the Ndebele, women children and men in the name of dissidents.

Restorative justice- Restorative justice includes acceptance of justice as social justice, forbearance, refrain from mutual dehumanisation, and repairing of past damaged relations. Restorative justice focuses on the repair of the injuries, and restoration of relations between the

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victims and the villains. Thus, restorative justice aims to reintegrate both victims and perpetrators into some approximate civic relationship (Lederach 1997:40).

Retributive justice- is a focus on vengeance as the basis for forgiveness and reconciliation. Acceptance of the brutal punishments is needed in retributive justice.

Injuries- These can be physical emotional and psychological injuries that make the victim feel pain and hurt.

Impunity-is an exemption or immunity from punishment, recrimination, or other unpleasant consequences.

Genocidal- are acts that are deliberately done to harm or kill a nationality or ethnic group.

Zimbabwe- a land locked country located in Southern Africa between the Zambezi and the Limpopo rivers; it is bordered by South Africa, Botswana, Zambia and Mozambique, having attained its sovereignty in 1980.

Reconciliation- to become friendly to someone whom they have been grievous opposition.

Integration- is the process of being incorporated into a community especially when of different race and had been separated.

Unity accord-on 22 December 1987 at the state house Robert Mugabe agreed with Joshua Nkomo to be united in the struggle to find peace and bring peace to Midlands and Matabeleland that had been ravaged by dissidents and government soldiers.

Crisis- is an unstable period with extreme trouble or danger.

Empathy- to let go of the past and forbear from seeking vengeance leading to the decision to let go of the past which is based upon recognition of the villains humanity.

1.11 Limitations of the study

The limitations to the study are that crisis has been experienced throughout the country in the recent violent elections compelling the national healing process to be effective, nation building

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and reconstructive. The problem that the researcher may not go into the field due to fear of harm and of the sensitivity of the issue of national healing means the researcher must rely upon secondary sources of data. Also the fact that the pain and suffering that has been endured translate over a long period of time means that it is very difficult to account for as many perpetrators and witnesses have passed away.

1.12 Chapter breakdown

chapter	content	Time frame
Chapter 1	Introduction shall focus on the various ways states have used to heal the nation after a conflict or crisis.	September to December. 2012
Chapter 2	The general development of national healing as a nation building initiative.	05 January to February 28. 2014
Chapter 3	The developmental trends of national healing processes in Zimbabwe since independence to 2008.	03 March to April 31. 2013
Chapter 4	The opportunities and challenges that have been identified in the post crisis reconciliation processes.	06 May to July 15. 2013
Chapter 5	Recommendations and conclusions that can be made to attain an effective national healing process that forms the basis for reconstruction.	10 august to February 20. 2014

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CHAPTER TWO

THE CONCEPTUALIZATION OF NATIONAL HEALING AS A POST-CRISIS RECONSTRUCTION INITIATIVE

2.1 Introduction

This chapter reviews the debates on transitional justice and reconciliation in order to assess the practical approaches that stem from these concepts in terms of their relevance for conflict transformation and peace building. It also reflects on the state of research in international criminal justice and truth commissions and highlights the strengths and limits of these approaches. The chapter reveals that the debates on transitional justice and reconciliation, although they overlap, are not identical, and outlines the need to see reconciliation as a multi-level process alongside conflict transformation. The discourses on all these concepts are marked by significant research gaps and many open questions, which will guide this study. These include a need to focus on the interaction of different actors, levels and mechanisms and to listen to the voices of affected populations.

2.2 Transitional Justice: The Emergence of a Paradigm

The concept of transitional justice stems from the international human rights movement. At first, it referred to the judicial process of addressing human rights violations committed by dictatorial or repressive regimes in the course of democratic transition. The term also came to be used for processing war crimes and massive human rights abuses committed in violent conflicts (Kritz 1995; Minow 1998, 2002; Teitel 2000). The concept has increasingly gained in importance, and has been widely discussed by peace building agencies engaged in war-torn societies during the past two decades. Along the way, it has gradually extended its meaning. Today it covers the establishment of tribunals, truth commissions, lustration of state administrations, settlement on reparations, and also political and societal initiatives devoted to fact-finding, reconciliation and cultures of remembrance.

2.3 Focus on Accountability: International Criminal Justice and Truth Commissions

For a long time, the Transitional Justice (TJ) literature has principally been the province of legal scholars, human rights activists and individuals who have served as judges, prosecutors or policy-makers in official capacities. Most attention has been given to the moral-philosophical

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and jurisprudential aspects, and in particular to the institutional design and implementation of tribunals. International law experts have extensively published on the development, capacities and legal procedures of international, hybrid or domestic courts dealing with gross human rights violations. Many studies focus on the international courts that have been established to prosecute war crimes, such as the Tribunals for the former Yugoslavia, Rwanda, Sierra Leone and Lebanon, including the International Criminal Court (ICC).

As the International Criminal Tribunal for the former Yugoslavia (ICTY) represents the first court implemented under the auspices of the UN, much research has been focused on its relevance for international law and legal procedures. Many authors consider the ICTY to be an innovative tool in the context of civilising international relations. Analysis of its impact on the societies in question is not so abundant and very few empirical studies exist on these issues. The question of whether the ICTY has contributed to the "restoration of peace and reconciliation", as was stated in UN Resolution 1534 and promoted by high-ranking representatives of the Tribunal, is still the subject of controversy (Meernik 2003; Hazan 2006).

Some scholars argue that the idea that the ICTY would contribute to reconciliation between former warring groups has proved unrealistic, and that expanding expectations beyond its legal mandate might "undermine the important contributions that international trials can make to post-conflict societies" (Fletcher and Weinstein 2004, 30). As Pierre Hazan has outlined, the Nuremberg trials after World War II were regarded as victors' justice by part of the German population, and did not have an immediate effect in terms of initiating debates in the 1950s. But their archives became an important point of reference for the following generations 25 years later and thus contributed to informing German society once initiatives for facing the past had begun to develop on a larger scale to become a nation building initiative in the contemporary world. (Hazan, 2007: 11).

In earlier debates, bargains and amnesties, rather than prosecutions, were often seen as the best ways to achieve peace because of the need to contain spoilers in many post-conflict regions. Since then, most advocates of transitional justice have come to reject the idea of impunity and emphasise that amnesties, if applied at all, should be introduced as partial and conditional (Hayner, 2009).

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2.4 Truth or justice

The truth versus justice debate has balanced the merits of trials against other accountability mechanisms. The 1990s in particular were marked by this dichotomy, due to the almost simultaneous creation of the South African Truth and Reconciliation Commission (TRC) and the ICTY, which became emblematic of this discussion (Hazan 2006, 20). Truth commissions have been promoted as alternatives to prosecutions and as important mechanisms for counteracting cultures of denial. It has been argued that public and official exposure of truth provides redress for victims and may contribute to individual and social healing and reconciliation (Hayner 1994, 2001). Divided societies in particular need truth-seeking and truth-telling mechanisms. Given that nationalist myth-making, based on historical distortion has fuelled both interstate and intrastate wars, efforts to prevent the instrumentalisation of facts and history are needed to prevent a return to violent conflict (Mendeloff 2004, 356-357). Especially after violent conflicts between ethnic and religious groups, who remain living next to each other while maintaining their distinct identities, extremists are eager to tie responsibility for past crimes and human rights violations to their ethnic or religious adversaries. In order to counteract such tendencies, a truth commission is considered as a means to engage and confront all of society in a painful national dialogue, with serious soul-searching. It is also an attempt to look at the ills within society that make abuses possible. Furthermore, civil society produces a sense of public ownership in this process, so that this dialogue actually leads to the restoration of the society. Otherwise, a country has merely a nice history lesson, destined for the bookshelf (Kritz 2009: 18).

An important policy recommendation stems from the above reflections, arguing that truth and reconciliation commissions should be established only where a robust civil society remains intact. Where such conditions do not exist, the commission's mandate should be focused on documenting the truth along the lines of some earlier commissions rather than on the broader reconciliation goals established more recently. In a context that lacks a civil society altogether, a more top-down approach may be appropriate policy to use (ibid.). However, truth commissions have enormous shortcomings and it has become clear that apart from a strong civil society there is a need for reliable alliance partners in parliaments, governments and administrations who are willing to engage in institutional reforms and establish the rule of law.

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Clear warnings have also been expressed that establishing truth commissions has become an almost routine and standard practice without analysing the context. It seems that many countries in transition decide to have truth commissions without any clear understanding of what such endeavors are about, and these policy decisions are usually based not on research but on instinct (Kritz, 2009: 17). Disillusionment about truth commissions has contributed to broadening the discourse and to overcoming the fixation on dichotomies between "truth versus justice" or "justice versus peace"

2.5 The Holistic Interpretation of Justice

As the discourse has moved on, many more authors agree that societies recovering from oppression or violent conflict need both legal and restorative approaches, addressing different levels and dimensions of truth and justice. Alexander Boraine (former member of the South African TRC and founder of the International Center for Transitional Justice, ICTJ) has made an important contribution to this discussion by suggesting that retributive justice should be complemented with restorative justice. He strongly advocates a holistic interpretation based on five key pillars, including accountability, truth recovery, reparations, institutional reform and reconciliation (Boraine, 2006: 19-25).

2.6 Feminist view of transitional justice

Feminist research has also increasingly focused on transitional justice (Pankhurst 2008) and revealed that, as a consequence of campaigns to end impunity for violence against women, legal standards have been modified and compromised. Gender-based violence in armed conflict has been recognised as a war crime in international law and prosecutions have been secured. Furthermore, courtroom procedures have been reformed in order to ensure that victims of sexual violence are not re-traumatised by adversarial legal processes. The ICTY, for instance, has introduced changes to the procedures of investigation and to the rules regarding evidence, limiting the extent to which consent can be presented as a defence for sexual assault and prohibiting the use of evidence of a victim's past sexual conduct (Bell and O'Rourke, 2007: 27). Following criticism of gaps in ICTY practice, women's organisations' appeals to respect the rights, needs and inclusion of victims were taken into account when the International Tribunal for Lebanon and the International Criminal Court were set up, and these courts have introduced procedural law for victims. There is now also greater representation of women on the staff of the

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international tribunals. However, in feminist debates several scholars have questioned whether punitive justice in the form of tribunals is an appropriate means of dealing with gender-based violence at all, due to the negative experiences of adversarial processes (Mertus, 2004; Campbell, 2004; O'Connell, 2005). The feminist discourse has argued that truth commissions offer space to move beyond the rather masculine discourse of crime and punishment towards a notion of repairing relationships (Bell and O'Rourke, 2007: 40). Truth commissions might also be a better alternative to trials as they give space to individual narratives and can address needs for public acknowledgement and seem to be more accessible to women due to the greater flexibility of their processes.

2.7 Peace-building and democratisation

In the academic literature, as well as in legal practice, it is widely assumed that TJ mechanisms contribute to post-war peace-building and democratisation. However, given the lack of long-term analysis or systematic empirical research there is, in fact, not much knowledge concerning the effects of tribunals and trials on the respective societies. There is not much evidence either on what impact truth commissions actually have on victims, perpetrators and society as a whole. Having reviewed comparative studies that were conducted in more than 100 countries, Oskar Thoms, James Ron and Roland Paris (2008) conclude that there is still little empirical basis for reaching strong conclusions about the systematic effects of TJ mechanisms, either positive or negative. Few rigorous cross-national analyses have been completed to date, and most of them mention the difficulty of reaching any strong conclusions due to the limitations of existing data. Thus, there is insufficient evidence to support proponents claims that TJ contributes to reconciliation or psychological healing, fosters respect for human rights and the rule of law, or helps establish conditions for a peaceful and democratically governed country (Thoms et al. 2008: 4); but, as the research team admits, there is also no evidence to support sceptics' claims that TJ undermines progress towards these goals.

2.8 Reconciliation and Conflict Transformation as Multi-Level Processes

Together with transitional justice, the concept of reconciliation has gained importance among those who engage in post-war regeneration. Peace activists in particular see reconciliation as a necessary requirement for lasting peace. The concept is also extensively discussed in the academic literature on peace-building and conflict transformation. It has been argued that

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reconciliation needs both the orchestration of top-down and bottom-up processes (Bar-On 2007: 81), and although the process may begin either with the leaders or at the grass-roots, to be effective, it must always proceed in both dimensions simultaneously. Civil society actors have a special role to play in this regard. Most authors agree that reconciliation describes a process rather than an end state of a nations healing.

2.8.1 Rwandan process of reconciliation and healing

The Rwandan genocide of 1994 was just a translation of years of conflict between the two ethnic groups in Rwanda. The Rwandan population has 85% Hutus and 15% Tutsis. From the decision by the Belgian colonizers to install Tutsis as leaders of the Hutus to the 1959 mass murder of Hutu leaders was followed by a massacre 100 000 Tutsis by Hutus. For years these killings from both sides of the ethnic groups continued leading to the outflow of Tutsis to become refugees in neighboring countries where they formed the Rwandan Patriotic Front (RPF). RPF was formed to fight for the rights of all Rwandans especially the Tutsis. The RPF came to fight for the Tutsi people from bases in neighboring countries where refugees were stationed and fought on behalf of the Tutsis in a Rwandan civil war than began in 1990 (CIA World Factbook, 2005 and Dallaire, 2005). This led to a genocide that occurred between April and July of 1994, when approximately 800,000 to 1 million Rwandans were killed and between 1.7 million and 2 million people in Rwanda were displaced due to the violence.

When president Habyarimana's airplane was shot down, the Hutu militia, the *Interhamwe* was inflamed, blaming the Tutsi people for his assassination. The *Interhamwe* then led a campaign to purge Rwanda of the Tutsi ethnic group and any perceived supporters of the Tutsis (Dallaire, 2005). There were atrocious human rights violations on an unimaginable scale during the genocide, with groups of people being rounded up by the *Interhamwe* and slain, often with machetes. A huge number of women were rape victims and victims of other forms of sexual torture. The violence left the country in shambles as a great many public leaders, community officials, and respected business leaders were killed, along with a lot of the citizenry in areas all over Rwanda (Dallaire, 2005). There was also a great deal of damage to buildings and infrastructure that took place as a result of the fighting and weapons being discharged (Uvin, 2005). Eventually, the country reached a modicum of stability when the ex-patriot Tutsi militia, the Rwandan Patriotic Front, wrested control of the country from the *Interhamwe*. Their leader,

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Paul Kagame, became Rwanda's president and remains the president of Rwanda to this day (US Department of State, 2004).

As the genocide wound to closure the RPF rounded all the activists, *Interhamwe* leaders, guerrillas and other participants of the genocide were sent to prisons around the country. About 80 000 to 130 000 were imprisoned and by the year 2000 the Rwandan government led by Kagame realized that it needed another form of justice if they were to finish and achieve justice and reconciliation and healing of the Rwandan nation. The government called upon its indigenous conflict resolution called the *gacaca*. While traditional *gacaca* dealt primarily with relatively minor misdeeds in the community, it was modified to address the serious nature of the genocide-related cases that had been clogging up the Rwandan prisons and courts (Tiemessen, 2004)

The emphasis in *gacaca*, unlike the Western court system, is on reconciliation and healing. Reestablishing community relationships and reintegrating offenders into their communities are important goals of the *gacaca* process. The re-weaving of the destroyed fabric of the nation is as much of a consideration in *gacaca* as achieving justice, in the Western sense. *Gacaca* offers a profoundly participatory form of justice that promotes democratic decision-making in the community by involving community members in dispensing justice, thus re-creating their communities. Offenders and victims were brought face-to-face in the presence of the community to share their perspectives with each other on what had occurred (Bishop, 1999, Rwanda Development Gateway, 2005, Staff Reporter, 2001, Tiemessen, 2004, and Uvin, 2005). The Rwandan government has continually asserted that the *gacaca* tribunals uphold the spirit, if not the letter, of the law and do so in a culturally appropriate manner.

The process has the potential to get at the truth better than the traditional court system, drawing upon local knowledge in a culturally appropriate manner. Beyond attaining Western notions of justice, the process may also hold the potential to help Rwandans put the pieces of their shattered society back together. Many human rights organizations have argued that the process does not live up to international standards for a fair trial. The accused had no access to legal counsel, judges have very little training, and confessions can be said to be coerced (in that the accused are encouraged to confess by offering them incentives to do so). Confessions were leading to further charges, and possible "witch-hunting." Certain charges like rape have been reclassified and

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violate the legal principle of retroactivity (where the possible sanctions for the crime are changed after the crime was committed). In a climate where human rights standards are frequently not met by the government of Rwanda, the lack of legal protocols in the *gacaca* process can be all the more troubling (Amnesty International 2002 and Human Rights Watch, 2003)

The *gacaca* process has offered the people of Rwanda hope for a brighter future as it represents the self-determination of the Rwandan people in addressing a problem of incomprehensible magnitude. Africans should learn from this process of African solution to deal and solve African problems rather than using Western ways of justice. The *gacaca* is an example of national reconciliation and healing that is and will be Africa's own mechanism that has helped rebuild Rwanda and help the victims move on with their lives.

Galtung (2001:3) distinguished between negative peace as the outcome of efforts to stop physical or personal violence (direct violence), and positive peace as the goal of efforts to end indirect structural and cultural violence (indirect violence) that threaten the economic, social and cultural well-being and identity of individual human beings and groups.

In Lederach's (2006; 09) conceptual framework, reconciliation "represents a place, the point of encounter where concerns about both the past and the future can meet. Reconciliation-as-encounter suggests that space for the acknowledging of the past and envisioning of the future is the necessary ingredient for reframing the present. For this to happen, people must find ways to encounter themselves and their enemies, their hopes and their fears."

Montville's (2006) contribution can be seen as a refinement of political psychology. His thesis, stated also in other articles, is that any conflict resolution strategy that does not address the psychological needs of the victims and victimizers can only have a superficial effect on resolution, especially of ethnic and sectarian conflicts. He argues that what he calls the new realpolitik recognizes that conflict resolution and peace-building can succeed only if the circumstances that originally produced a group's sense of victimhood are recognized and dealt with. Thus the only practical approach to so-called intractable conflicts is one that aims for the actual reconciliation of peoples and nations. This necessitates the acceptance by the parties of moral responsibility, since, in Montville's words, "there is an inescapable link between justice and peace ."

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2.8.2 Transitional justice

Restorative justice approaches (Van der Spuy *et al,* 2007) also emphasize a need to focus on 'bottom-up' processes founded in ordinary people's experiences and concerned with taking steps that they feel would set things right. This is to be contrasted with processes involving only some elites – whether peacemakers, truth commissioners, prosecutors, or indicted persons.

In this study, I have chosen Carey et al's (2010) 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 study, 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. 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 victimized 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. 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. Mertus further asserts that the "punishment of criminals is necessary but should be facilitated in ways that allows perpetrators and victims to rebuild relationships" This study examines the way in which punishment of perpetrators of violence is dealt with in ONHRI's interventions.

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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 rebuilding the community. 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.

A restorative justice approach does not, however, discount the value and effectiveness of criminal punishment, including as a means of affirming the dignity of victims and preventing vengeance. Trials in criminal courts in transitional settings cannot easily be dismissed as merely backward-looking: they may be essential to ensuring a sense of 'justice', avoiding self-help measures, and to deterring future abuses (Jeong, 2005:165,168).

In considering general matters of approach, there are certainly real-world tensions between pursuing both 'peace' and 'justice' (Biggar 2001; Nesiah 2005). In some cases the price of peace is accepting that justice might need to be stayed against important stakeholders, although some aggrieved parties will simply not be able to contemplate peace without justice being seen to be done. However, it is necessary to move beyond polarised debates presenting these two ideals as incompatible objectives: this obscures efforts to consider the potential for approaching these issues in a more integrated mutually reinforcing way (Simpson 2008), and can be an abdication of the duty to seek imaginative, tailored solutions. To simply place prosecutorial justice and the

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attainment of peace 'into opposed, abstract categories' comes at the expense of 'an informed analysis of where tensions do, and do not, exist on the ground'

In addition to its truth-seeking function, such a commission can be a platform for a range of processes, aimed at both addressing matters of principle and ensuring grievances do not undermine the prospects for sustainable peace. Such commissions can become the focal point for efforts going beyond the establishment of truth efforts at reparation by which is meant not merely financial or other economic or in-kind compensation, but broader notions of restitution, rehabilitation, satisfactions and guarantees of non-repetition.

Victims' needs are individual and communal, structural and psychological. Truth commissions allow a forum for forgiveness to be given, and for formal recognition of victims, so helping them reclaim their dignity. Perpetrators are afforded a formal mechanism to renounce their violent deeds and to rejoin society in some fashion. 'Reconciliation' may mean many things but is essentially about the (re)-building of civic trust (Bosire, 2006:27) and shared commitment to certain normative values, including putting some past differences aside.

The post-conflict reconstruction is not a new phenomenon but can be linked back to the Marshal Plan given to the countries in Western Europe after the Second World War and the reconstruction efforts in the early 21st century in the Balkans, Afghanistan and Iraq. There also have been peace processes in Africa post-conflict reconstruction in Sudan, Democratic Republic of Congo, Burundi and the Comoros through African Union and NEPAD policy briefs dealing with post conflict reconstruction and development (Kotze 2008).The fact that many organisations are concentrating resources and efforts of the reconstruction after conflict and national healing being the foundation and basis of all reconstruction initiatives holds instructive lessons for Zimbabwe. To develop the nation needs to heal through a process of healing, reconciliation and integration.

2.8.3 Forgiveness and Reconciliation

Forgiveness and reconciliation are closely related, but they are not the same. Forgiveness is often associated with religion, but it is also practiced by societies when communities or nations forgive others. Thus, forgiveness is the culmination of the healing process, which starts when people confront their past. Other important steps in the healing process include acceptance of the past,

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letting the past go and the rehumanisation of the villains. In principle, forgiveness has three essential elements: "Memory, empathy and imagination."(Sisulu 2008: 494). Memory is critical in forgiveness, as it is only through remembering the past that people can "call up courage to forgive" (ibid). Empathy entails recognition of the common humanity between the victim and the villain to stop revenge. The evidence of forgiveness is freedom from vengeful actions. This means it is possible for the victim to forgive the villain without offering reconciliation. Additionally, forgiveness is unconditional; that is, it is possible for the victim to forgive the villain without the latter showing any remorse.

According to Lederach (1997:67), reconciliation views a "conflict as a system and focuses its attention on relationships within that system". Thus, reconciliation entails "reintegration of the relationship between former victims and aggressors in a new, safe surrounding designed and built by both sides". A critical pillar of reconciliation is acknowledgement of the injuries by the villains. Reconciliation is, therefore, conditioned on the attitude and actions of the villains. In essence, reconciliation entails restoring relationships that are free of yesterday's hate and bitterness. Reconciliation is, therefore, not only about healing the past and forgiving the villain, but also about developing a new relationship and new attitudes, with the hallmarks of inclusion, empathy, respect and a shared future. As Lederach asserts, reconciliation is the meeting point between the painful past and the future. This leads to healing, and that encounters between forgiving victims and remorseful perpetrators lead to reconciliation. Truth-seeking is a victim-centered approach that aims to probe what happened, why it happened, and who did what. The process seeks truth through the victims' testimonies and stories of suffering. Truth-seeking, as Lederach (1997:21) writes, is "an opportunity for people to express to and with one another the trauma of loss and their grief at that loss, and the anger that accompanies the pain and the memory of injustices experienced". The truth helps to prevent further conflict and to break cycles of violence and revenge. The other aim of truth-seeking is to reconcile the various "truths" and "memories", with a view to building a common memory and a collective narrative, which are larger than any party's narrative. Common memory and narrative is the cornerstone of a shared future. Thus, truth provides the foundation for healing, accountability, forgiveness and reconciliation.

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2.8.4 Acknowledgement

Acknowledgement builds on the truth dimension of reconciliation. Dawson (2001) argues that people find it difficult to forgive and reconcile, unless there has been an open acknowledgement of the injuries and losses. "Acknowledgment is decisive in the reconciliation dynamic," asserts Lederach (1997). That is, an open and shared acknowledgement of the injuries and losses is a critical condition for reconciliation. This is particularly relevant in cases like Darfur, Sudan and Côte d'Ivoire, where mutually destructive collective violence involved a very large number of people. Acknowledgement in these cases serves several purposes. First, it is an acceptance by the villains of the moral responsibility of the injuries and losses incurred by the victims. Second, it allows the perpetrators to request forgiveness formally, and for the victims to grant it. Third, acknowledgement forms the basis of "symbolic reparations" (Dawson 2001). Fourth, it provides an opportunity for the concerned parties to share a common understanding of the past, which forms the foundation of the commitment to a shared future.

2.8.5 Empathy

Another crucial factor is empathy. According to Chapman (year and page), a key element of reconciliation is the willingness by the victim "to let go of the past and forbear from seeking vengeance". The decision to let go of the past is based upon recognition of the villains' humanity. The rehumanisation process has several steps. First, the victims realise that the "basic needs" that drive the injury are "very human". Second, the victims view the conflict as a shared problem. Third, the victims recognize the common humanity between them and the villains. Fourth, the victims undergo an inner transformation, acknowledge the humanity of the villains and accept them in their moral community. The highest point for empathy is recognition of the villains' humanity, even in the commission of dehumanising acts. Empathy is, therefore, about overcoming the hatred that pervades the relationship, and restoring the villains' humanity. However, restoring the humanity of the villains does not mean exonerating them from the injury. On the contrary, it is an expression of the humanness of all. This is the logic of the *ubuntu* philosophy in the South African truth and reconciliation model.

Truth, acknowledgement and empathy are necessary but not sufficient conditions for reconciliation. Truth and acknowledgment "lack credibility in the long run if unaccompanied by other acts of concrete restorative justice" (Mark (2007:6)'. Restorative justice has several

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dimensions, which include acceptance of justice as social justice, forbearance, refrain from mutual dehumanisation, and repair of past injuries. Unlike retributive justice, which focuses on the punishment of the villains, restorative justice focuses on the repair of the injuries, compensation for the losses, and restoration of relations between the victims and the villains. Thus, restorative justice aims "to reintegrate both victims and perpetrators into some approximate civic relationship" (Mark (2007:6). Indeed, one of the criticisms of international human rights organisations' interventions in civil conflicts in Africa – such as Darfur and Côte d'Ivoire – has been that they emphasise to prosecute a few individuals, rather than restorative justice. In short, restorative justice responds to the reparation needs of the victims and the rehabilitation needs of the villains.

2.8.6 Reparation

Restorative justice requires providing some measure of redress for the injustices and pain endured. Thus, reparation is a central component of restorative justice. Indeed, victims hardly forgive and reconcile with their villains unless some form of reparation has been provided. Reparation is a "general term that encompasses a variety of types of redress that include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition" (Murray (2007:202-203)). Whereas restitution seeks to restore as much as possible the relations that existed before the injury, compensation entails payments for the incurred economic damages. Rehabilitation entails the provision of medical, legal and welfare support, whilst satisfaction and guarantees of non-repetition relate to acknowledgement of the violations and commitments to prevent their recurrence in the future. Though financial compensation cannot replace lost lives, it breaks major psychological barriers. Other forms of reparation include truth about violations, official apologies and provision of healing environments, respecting the victims' memories through memorials and monuments, and other official acknowledgements. Many peace processes in Africa have recognised the importance of reparation in disrupting cycles of violence, increasing collective security and engendering healing and reconciliation. In Sudan, for example, the 2006 Darfur Peace Agreement (DPA) sought to address reparation needs by creating a regional authority, whose responsibilities included, among other things, the dispensation of collective compensation.

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This is very important in connection to the Zimbabwean crisis because for the last decade both black and white people have been displaced from their homes and lost property worth billions that could have been used to build the nation. The organ for reconciliation has to compensate people from those that lost property in the liberation war, Gukurahundi of 1982-1987, the land seizures of 2000 and the preceding election violence of 2000, 2003, 2005, Murambatsvina and finally the 2008 elections. If reconciliation is to be successful all aspects and options have to be accounted for to ensure no-one is left out of this process.

In conclusion they are different types of transitional justice and the restorative justice is the foremost mode of rehabilitation and reconstruction after a a post crisis situation which has wounded many, it brings to the table truth telling, justice, reparations, healing and reconciliation.

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CHAPTER THREE

TRACING RECONCILIATION INITIATIVE THAT HAVE BEEN DONE IN ZIMBABWE SINCE 1980

3.1 Introduction

Zimbabwe experienced a protracted period of conflict starting from the late 1960s. The conflict intensified in the 1970s and ended only after a peace agreement was signed in 1979. Zimbabwe had been ruled as a British colony, Southern Rhodesia, for over eighty years until the White minority declared unilateral independence (UDI) in 1965. UDI intensified the frustration of the African majority that was already agitating for independence. The White minority of 250,000 also owned most of the arable land of the country. The clamour for land redistribution and majority rule were the primary underlying causes of the conflict. Two nationalist parties, Zimbabwe African National Union (ZANU) and Zimbabwe African Peoples Union (ZAPU), formed a united front and fought the Rhodesian army. The Lusaka Commonwealth Conference of 1978 laid the basis for the Lancaster House constitutional talks that resulted in the peace agreement.

The constitutional talks, facilitated by Great Britain, included all the parties to the conflict. The agreement was reached on the constitutional arrangements for majority rule but the land issue was only partially resolved. The UK was to assist financially in the purchase of land held by whites for redistribution to Africans. The total number of combatants at the end of the conflict was close to 100,000 men, women and children 60,000 to 70,000 for the nationalist forces and 10,000 to 12,000 for the Rhodesian army. It was agreed that 40,000 men and women from the three forces would be integrated into the new Zimbabwean National Army (ZNA) and the surplus troops would be demobilized and reintegrated into civil society (Muchakanya, 2010:6).

Disarmament was undertaken in designated assembly areas and was totally voluntary and without compensation. The large majority of troops participated because the political and military leaders in whom they had confidence wanted peace. Weapons collected were recycled to ZNA. A Joint Operations Command composed of all belligerent parties managed the disarmament process and a Joint High Command supervised the process of integrating forces to

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form ZNA. Daily briefings and technical support from the British Military Advisory Training Team (BMATT) facilitated the process. BMATT also provided standardized training to improve internal cohesion.

Demobilization was problematic and was conducted twice, 1981 in assembly areas and in 1997 for all demobilized personnel throughout the country. Payments of Z$600 were made to all incapacitated ex-combatants and to other ex-combatants who returned to their homes. The Demobilization Directorate of the Ministry of Labour managed a compensation scheme and paid an additional amount of Z$185 per month to each demobilized ex-combatant for a period of two years. Under pressure from the Zimbabwe War Veterans Association, a second compensation scheme was launched in 1997. 52,000 veterans claimed compensation and each claimant received a Z$50,000 lump sum and was entitled to a regular monthly allowance of Z$2,000 (Giustozzi, 2012).

Reintegration was also problematic. Operation Soldiers Employed in Economic Development (SEED) which was designed to assist in the social and economic reintegration of ex-combatants failed. Its weaknesses included the lack of a clear objective, the diverse nature of the needs of ex-combatants, resistance by host communities to the return of ex-combatants and the continued operation of the Rhodesian negative propaganda machinery. In addition, resources were inadequate, particularly for land acquisition. Training programmes for a variety of skills enabled many ex-combatants to gain useful employment including setting up their own businesses but this was not adequate. Special needs of children and the handicapped were met through the establishment of schools and rehabilitation centers. Providing birth certificates and identification cards was also accorded priority.

Many Zimbabweans considered the formation, in February 2008, of the Organ on National Healing, reconciliation and Integration by the Inclusive Government formed by elements of the ruling Zimbabwe African National union (ZANU-PF) and the Movement for Democratic Change (MDC) to be a watershed opportunity for stemming the nation's historically entrenched culture of state-sanctioned violence and impunity.

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Zimbabwe had never before comprehensively attempted to prosecute or compel perpetrators of politically motivated violence to acknowledge their transgressions, because the national leadership regularly exploited constitutional prerogatives to pardon perpetrators. Political expedience has always outweighed the imperatives of victim-sensitive national healing after all the major political crises of the post-independence years. These included the liberation war of the 1970s, the *Gukurahundi* war of the 1980s, recurring election-related violence in the post-colonial era, the land reclamation exercise, and anti-MDC violence after 2000 (Murithi and Mawadza, 2011:9) In this study, I argue that the major deficiency in the contemporary conciliatory political milieu is the lack of clear and binding instruments for achieving national healing and reconciliation. There is also no symmetry in the power relations among the constituent political players in the Inclusive Government. Individuals and interests that fomented violence in the past remain powerful and still arbitrarily control some levers of the state, and this forecloses meaningful national healing. Another shortcoming is that national healing is also conceptualised in selective racial terms, with the white community not factored into the ongoing healing exercise. In short, the current national healing process does not promise a new future without impunity for Zimbabweans. The ensuing narrative explores the intersecting politics of post-colonial violence, retribution and impunity in three parts. The first part analyses the key determinants for national healing and reconciliation. In the second, I contextualise violence in Zimbabwe by exploring the inadequacies of the country's post-colonial attempts at national healing. The third section is my critique of attempts at stemming the culture of impunity, and of establishing sustainable peace by the new government and its National Organ on Healing, Reconciliation and Integration.

3.2 Striving for National Healing and Reconciliation: Key Considerations

Truth, justice, restitution and the rights of communities to express and memorialise past communal injuries are the *sinequa non* of far-reaching national healing and reconciliation projects. They are four key determinants critical to a society's transition from a violent past to a peaceful future providing criminal accountability, deterrence, and punishment, and establishing a common truth about the past which can carry the society forward in a process of healing and reconciliation (Raftopolous and Savage, 2005:5).

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However, a simple fixation with truth is problematic because the idea of an ascertainable past has to negotiate with the notion that the full truth of the past cannot be grasped. Memories and histories will always conflict. May be no one has the capacity to know everything in the first place.

Platforms for post-conflict truth-telling, such as truth and reconciliation commissions (TRCs), have inherent limitations for providing historical truth. At most, they unearth particular views that do not devalue the possibility of knowing the past, even as they open up the category of historical truth to its partiality. Truth-telling, however partial, is an imperative in any national healing matrix because part of the process of psychological healing for any victim of abuse, is being given the opportunity to recount that suffering to a supportive, non-judgmental audience.

In many instances, victims' renditions of their experiences to sympathetic statutory bodies such as the South African TRC which acknowledged their pain has proved to be cathartic. A common thread that ran through their testimonies was an extraordinary capacity to forgive, if they could only know the truth. Zimbabweans have failed to heal and reconcile after major crises, because their national leadership has accorded premium to the state-sanctioned ideal of forgiveness without truth, and reconciliation without justice. This reluctance to punish violators of human rights at election times or other moments of political crisis has created a culture of impunity in Zimbabwe, and a notion that violence and intimidation of opponents are the appropriate modalities for transacting political business. President Mugabe's Clemency Order of October 2000 granted amnesty to individuals who kidnapped, tortured and assaulted people, and destroyed houses and other possessions in the run-up to the June 2000 legislative elections (Raftopolous and Savage, 2011: 50)

Reeler argues that this has had disastrous effects upon the Zimbabwean society because, apart from the terrible consequences of the victims knowing that their assailants will always walk free, the perpetrators learn that extreme violence is never punished. This only foments further cycles of violence. Indeed, torturers have bluntly told many of their victims that this is the case. Some of the people implicated in the violence of 2000 went on to commit more violence during the 2001 by-elections and the March 2002 presidential poll.

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The state pardoned those culprits and Zimbabwe's post-colonial National Healing and Reconciliation Processes of 1980-1990s has proved inadequate. A culture of impunity seems to run deep in Zimbabwe's political firmament. The colonial Rhodesian state set the precedent for blanket amnesties in 1975 when it implemented the Indemnity and Compensation Act, granting amnesty both retroactively and in advance to members of the army, the police, the Central Intelligence Organisation and the civil service for offences committed in good faith. The Rhodesian state adopted these measures to give its security forces extrajudicial powers to control nationalist inspired insurgency in the 1970s. As part of the Lancaster House Agreement, the transitional government passed the Amnesty Ordinances of 1979 and 1980. These pardoned all excesses perpetrated by Rhodesian state functionaries its soldiers, intelligence operatives and militias as well as by nationalist forces affiliated to ZANU (PF), ZAPU (PF) in an arrangement led by Ndabaningi Sithole and Bishop Abel Muzorewa (Raftopolous and Savage, 2011: 48).

At independence in 1980, Prime Minister Robert Mugabe further declared a policy of national reconciliation in which he urged his fellow citizens across the political, ethnic and racial divides to "let bygones be bygones"(De waal, 1980: 15). This policy involved the granting of state-sanctioned forgiveness to the excesses perpetrated by the colonial Rhodesian state's functionaries and soldiers. Though internationally acclaimed, the reconciliation policy of the 1980s was narrowly conceived. It selectively accorded premium attention to peaceful interracial relations between blacks and whites, because off ears in international capital and in the white community it was rumoured that Prime Minister Mugabe, a strong-willed Marxist-Leninist guerilla leader of the nationalist movement, harboured a "night-of-the long-knives" agenda against the white community that had incarcerated and persecuted him.

3.3 Intra-black reconciliation was peripheral in this socio-political framework

As the ZANU (PF) government was busy assuaging white anxieties, mainly over land ownership and other socio-economic privileges, scorched-earth measures against its purported opponents and their supporters took place in the Midlands and Matabeleland provinces. This campaign, known as *Gukurahundi*, was spearheaded by the North Korean-trained Fifth Brigade. This outfit did not operate under the normal army chain of command. Instead, its officers reported directly to the prime minister. The *Gukurahundi* violence resulted in the death of more than 20 000 individuals. The unity Accord of December 1987 between ZANU and ZAPU resulted in the

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cessation of hostilities, but it was accompanied, yet again, by a government-granted amnesty to the dissidents, those who had aided them, ZAPU (PF) political fugitives from justice and all members of the security forces who may have committed human rights violations. It did not avail reconciliation and socio-economic development to the people of Matabeleland and the Midlands. Individuals and institutions that perpetrated the violence were never tried, nor did any ever seek the forgiveness of their victims, at least through acknowledging their roles in the crisis.

Political expedience has, at times, since compelled the ZANU PF government to clamor for silence over *Gukurahundi* massacres. President Robert Mugabe questioned the logic of these attempts at registering memories of tyranny for future accountability, by noting, "If we dig up history, then we wreck the nation, we tear our people apart into factions, into tribes, and villages will prevail over our nationalism and over the spirit of our sacrifices. If we go by the past, would Ian smith be alive today? What cause would there be to impel us to keep him alive? Perhaps I will be the first man to go and cut his throat and open up his belly, but no, we shall never do that. We have sworn not to go by the past except as a record or a register. The record or register will remind us what never to do. If that was wrong, if that went against the sacred tenets of humanity, we must never repeat, we must never oppress man" (Mafeje 1997: 1).

When juxtaposed against post-2000 events in Zimbabwe, this statement has a dual irony. First, President Mugabe has never officially acknowledged the *Gukurahundi* massacres, other than a terse 1999 observation that it was a moment of madness. He has kept reports of the state-instituted Dumbutshena enquiry on the Entumbane skirmishes of 1980/81 and the Chihambakwe Commission of enquiry into the *Gukurahundi* in state vaults. Second, in the post-2000 period, President Mugabe and his ruling ZANU-PF party have dug up history by appropriating and instrumentalising memories of colonial suffering and violence to harass, exclude and violate ethnic and racial minorities and MDC members. They have accused whites that ventured into opposition politics of being unreconstructed Rhodesians (Mapuva, 2010).

Africans have been portrayed as sell-outs and fronts for neo-colonial imperial forces. Then, since 2000, President Mugabe and his allies have begun to repossess land through exclusionary means. The apogee of this cathartic violence came during the June 2008 presidential election run-off. Tensions and controversies emanating from the June 2008 presidential election run-off eventually led to a regionally brokered Global Political Agreement (GPA) between ZANU-PF

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and the two MDC formations, in September 2008. The GPA resulted in the formation of the Inclusive Government, with Mugabe as President and Head of Cabinet and Tsvangirai as Prime Minister and Deputy Chair of Cabinet. It was the Inclusive Government that established the Organ on National Healing, Reconciliation and Integration, which has three co-ministers from each of the three signatories to the GPA at Cabinet level (Mapuva, 2010). The formation of the Organ, coupled with the condemnation of violence and retribution by leading politicians across the political divide, initially seemed to create an auspicious milieu for national healing. It was also in this new found spirit of political inclusivity and bipartisanship at executive level that the government declared 24 and 25July 2009 as national peace days, for promoting the ideals of national healing and reconciliation. One of the co-ministers for National Healing, Sekai Holland, stated that the days were meant for prayer, and a time of giving the nation up to God.

3.4 Sport as a tool for reconciliation

Various sporting activities can also be used as a tool to promote racial reconciliation in Southern Africa because of huge followings drawn from many sections of society. However, a brief survey indicates that sometimes-sporting activities have tended to be organized along racial lines. For example in Zimbabwe, since the beginning of majority rule in 1980, football has tended to be a Black man's game whilst cricket and tennis were mainly the preserve of White players but the situation is now changing with more Blacks players taking tennis and cricket.

In South Africa, there have been problems in the Rugby game with Blacks alleging that they are being sidelined not on the basis of merit but of color or race. According to Andy Colquhoun, when The Springboks Rugby team won the World Cup in 1995 and the forgiving and shrewd President Nelson Mandela presented the trophy to the team captain, the moment was a potent symbol of weaving together of South Africa's disparate racial threads. More than that, it appeared to have hastened the task at a speed far in excess than of any other medium. For the Springboks manager Morre du Plessis, what happened around Rugby in 1995 proved that it is possible to unite all South Africans in a common cause. However by 1998, the Springboks team which had won 17 victories was still composed of white players only, not representing the country's rainbow population of which 81 percent is made up of Africans, 9,6 percent Asians, 6,2 percent are whites with the Coloreds making up 3,2 percent of the population. Efforts are

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however being made to introduce a quota system in the team that will see specific places being reserved for both blacks and whites on merit without bias (Colquhoun,1999: 74)

In Namibia, a situation similar to that in South Africa's Rugby was also taking place. For example, in 1999, seven clubs out of fifteen teams in the Namibian National League resigned in frustration at what they perceived as overt racism of the largely White Namibian Rugby Union (NRU). To resolve the impasse, a Black replaced the White NRU president and a quota system has been introduced to accommodate both Black and White players. Interracial teams are encouraged in this region so as to truly represent all social groups found in these countries (ibid). Therefore, the resolution of racial conflicts in sporting activities shows that it is possible to solve such disputes in every part of society. But this requires patience, understanding and tolerance as it cannot be done and completed just overnight as some may wish (TRC in South Africa Report,1998: 10).

3.5 Post 1980 Rreconciliation in Zimbabwe

"If yesterday I fought you as an enemy to day you have become a friend and an ally with the same national loyalty rights duties as myself. If yesterday you hated me, today you cannot avoid the love that binds you to me and me to you. The wrongs of the past now stand forgiven and forgotten…" (Robert Mugabe on 17 April in 1980).

"Surely this is now the time to beat our swords into ploughshares…I urge you, whether you are White or Black, to join me in a new pledge to forget our grim past, forgive others and forget, join hands in a new amity and together, as Zimbabweans, trample upon racialism, tribalism and regionalism and work hard to reconstruct and rehabilitate our society as we re-invigorate our economic machinery…" (ibid).

On the 1st of January 1979 Robert Mugabe assured the White, Colored and Indian communities of Rhodesia that they had absolutely nothing to fear as long as they stand for true democratic principles, equality, non-racialism, justice and fair play. "We are not fighting white people but a racist regime" (Mugabe, 1981: 100).

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On the eve of independence in 1980, President Mugabe urged all Zimbabweans "to be constructive, progressive and forever forward looking, for we cannot afford to be men of yesterday, backward looking, retrogressive and destructive…look to the past…for the lesson the past has taught us, namely, that oppression and racism are inequalities that must never find scope in our political and social system…An evil is an evil whether practiced by White against Black or by Black against White (Waal,1980: 46)

These were some of the speeches that were made by President Mugabe calling for reconciliation. President Mugabe further argued that the examples of Whites like Guy Clutton-Brock and his wife Molly together with other Whites like Garfield Todd who fiercely opposed racism and supported Blacks' cause made it easier for Him and his colleagues to forgive whites (ibid, 4). To many people, nationally and internationally, this was unbelievable. This portrayed Zimbabwe as having a potential of being an oasis of racial reconciliation and economic and social progress and Africa's potential giant.

Writing in 1990, De Waal questioned the basis, on which this commitment and appeal of reconciliation was made, what grounds President Mugabe had for confidence that the ordinary people who had such long standing grievances would heed and support him? (ibid: 6).

Back in 1981, Mugabe responded to a letter from David Coltart (now opposition Member of Parliament) then a student at Cape Town University in South Africa assuring him that he was welcome to return to Zimbabwe upon the completion of his studies, urging him to fear nothing citing the government's policy of reconciliation. Twenty-two years down the line after independence, Mugabe was quoted as saying of the same Coltart and other whites:

"These whites (Bennett and Coltart) all opposition MPs now do not deserve to be in Zimbabwe and we shall take steps to ensure that they are not entitled to our land in Zimbabwe. The like Bennett and Coltart are not part of our society. They belong to Britain and let them go there. If they want to live here, we will say stay, but your place is in prison and nowhere else otherwise your home is outside the country (The Herald, 5 September 2002). These are the shades of the scourges and violence that pronounced the country but were never dealt with in the past.

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What went wrong, what happened, that made Mugabe's government to be so anti-white after very encouraging words that raised the potential of Zimbabwe to become a racial oasis and an economic and social success story in Africa in general and Southern Africa in particular?

For Stiles , Mugabe seems to have realized the disaster that resulted in the loss of White farms and industry in Zambia and Mozambique in the 1960s and the 1970s and that is why he took a conciliatory stance at independence, not because he really wanted Whites to become part of Zimbabwe. He only cynically needed their inputs to the economy to support the country's social reform system (Stiles, 2003).

It has been clear in the policy of the government is that reconciliation has all been on paper but never implemented, meaning it has been all talk with no actions. What is clear is that the conflict is over the unequal land distribution that favored the minority whites and remained uncorrected for almost twenty years after independence. The fact is that the government took much longer to embark on a land redistribution exercise. The government blames the Lancaster House Constitution that tied the government to "willing seller willing buyer" clause to be used in the redistribution exercise for the first ten years after independence.

In 1992, the government of Zimbabwe passed a Compulsory Land Redistribution Act that was basically a high sounding nothing because it boiled to nothing and even before then the government was being criticized for distributing land to the ruling elites instead of the deserving landless people. Writing later in 1998, Rev. Sebastin Bakare argued that during the colonial period, settlers and their regimes dispossessed Blacks of their land, but today they have been joined by the ruling elites in dispossessing the peasantry and argued that the failure to distribute land will mean that the land reform will remain merely a political rhetoric and the landless will continue to be impoverished and even slip into greater poverty (Bakare,1995: 56).

Former Zimbabwean President Rev. Canaan Banana had also expressed a similar view in 1997. He warned that the longer the land question is left unattended to, "greater the risk we run of creating social upheaval of unparalleled proportion." He stated that he still maintained the view held by many Zimbabweans of all races who felt that the land resettlement programme had been poorly managed as the landless seemed to have been the least beneficiaries of the resettlement

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programme (Banana,1996: 46). Therefore, there is serious need on part of the Southern African leaders to come up with effective land redistribution policies early enough to avoid a destructive racial conflict and haphazard land redistribution exercise like the one in Zimbabwe that is not promoting reconciliation but is increasing racial polarization and accelerating the country's economic decline. What is currently happening in Zimbabwe is a sign that racial reconciliation has not succeeded.

As noted in the historical background, conflict in one country in the region quickly spreads across boarders because of similar conditions. Similarly, the racial conflict in Zimbabwe has also spread to South Africa where only ten percent of the country's 52.98 million people own over 80 percent of the country's land resources. Since the dismantling of apartheid in South Africa in 1994, about 1500 white commercial farmers have been murdered as land hunger intensifies and robbery cases increase (Mushing, 2002: 16).

Although the situation has not deteriorated in Namibia where an independence settlement similar to that in South Africa was reached in 1990, the ordinary Namibians have demanded that their government responds swiftly to their demands for land. Meanwhile, the government of Namibia has already put in place a programme to buy land for redistribution to the landless peasants, much against the will of more militant elements who believed that land should just be expropriated like in Zimbabwe. The former Namibian President Sam Nujoma was also heard at times threatening Whites like Mugabe of Zimbabwe (ibid).The danger of such threats is that they raise the emotions of the landless and increase their hate of the Whites leading to physical attacks that the governments may be unable to control.

At the end of the day, the society that is build is one that is characterized by mistrust between races and this is not good for the socio-economic prosperity and political stability of the country and the region as a whole. For the Minister of Agriculture to argue that the White farmers are now irrelevant to Zimbabwe, shows no tolerance for any of their contributions and a good sign that their security is no longer guaranteed. The government cannot protect them in case of physical attacks by the landless some of whom now believe that they have been granted all the powers to do whatever they want to get land (The Daily news, 1 April 2003: 16).

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One can therefore argue that the tense racial conflict over land in Zimbabwe is a sign that reconciliation in the first place never addressed the source of racial conflict, that is, the inequalities between races in land distribution and economic opportunities. According to Rev. Banana, the problem of poverty "cannot be left to the conscience of each individual to solve…this is a social problem and must be solved by social arrangements" (Banana, 1996: 53). This point to the need to pursue reconciliation that will lead to the prosperity of the settler states and the region as a whole, not destructive programmes that will lead to even more suffering of the majority poor (Banana, 1996: 246).

3.6 Timing: what counts as the past?

Which period of history is to be officially covered?

This is likely to be a problematic issue. While practicality and limited funds suggest that the primary focus ought to be post-2000 political violence, there will be various groups for whom the present is not explicable without a process that engages with the period 1980-2000, before that with Rhodesia 1965-1979, and indeed going back to European settlement in 1890. The 2003 civil society symposium suggested dividing a TRC mandate into a 'pre-1960' (colonial) era and 'post-1960' era. It is preferable perhaps that a mandate might be devised that preoccupies the commission with the post-2000 state violence, but which endeavors at a later date when the new order has consolidated to uncover some of the unknown facts of Zimbabwe's often violent past.

However, any future transitional justice strategy might not attempt to formally address war crimes and abuses committed on all sides during the Rhodesian civil war leading to Zimbabwe's 1980 independence or colonial-era abuses before 1965. For these reasons, the lapse of time, the fact that the era ended in a largely effective peace and political reconciliation process; a succession of legally unchallenged amnesties between 1975 and 1980; the fact that Rhodesia-era abuses cannot easily be attributed to the state run by the ZANU-PF regime; and the practical need to limit and focus any future commission's mandate, budget and workload. A future truth commission might need to address how the colonial and Rhodesian eras created a culture of human rights abuse, impunity and oppressive legislative schemes. However, it should only seek to do so in general terms and incidentally to its primary mandate to deal with political violence after 2000.

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As noted, what will be more difficult to decide is whether any commission ought to attempt to deal with allegations of grave crimes and human rights abuses allegedly committed mainly in Matabeleland and Midlands's provinces in the 1980s in particular the *Gukurahundi* period in 1983-4. This period saw direct state violence against the civilian population pursuant to a state of emergency against dissident elements, mass killings, disappearances, murder, group beatings, rape, and destruction of property, intimidation, detentions and torture. It is thought that up to 20 000 people may have died as a direct result of the operations, while many more suffered serious human rights abuses. Those with command responsibility for these crimes are known. There has been no official or formal communal action. Findings of the official January1984 Chihambakwe Commission inquiry into Matabeleland were never published. Until the independent report *Breaking the Silence, Building True Peace* (Catholic Commission, 1997; ZHRA, 1999), the story of the 1983-4 period remained almost entirely unspoken and unheard in Zimbabwe. No official comment on the report was ever received.

As part of the Unity Accord signed on 22 December 1987, a general amnesty was granted on 18 April 1988, extended in June 1988 to members of the security services. In 1996 the government undertook to compensate victims of the 1983-4 operations. No compensation scheme has ever been implemented. The 1997 report suggests that there remain serious matters to be unearthed and resolved in Zimbabwe. There has been no redress for victims, whether formal apology or explanation, or by way of reparation. It may be arguable that the stories and issues of the Matabeleland chapter are best left until such time as greater political stability exists and some democratic order is consolidated. Whatever the possibilities of trials for some primary actors, a truth commission in relation to the 2000s could be designed so that it turns, upon completion of its mandate, to deal with the events of the 1980s at a somewhat greater level of abstraction and generality.

3.7 Role of whites in reconciliation in "settler states"

Ranger 2003 argued that when one evaluates reconciliation in Zimbabwe, a key problem of the early 1980s Constitution was that the white identity continued to be legally defined and white interests continued to be legally protected (Ranger, xii). This among other things, made it

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difficult for whites as individuals to play a significant role in the reconciliation process. De Waal in 1990 questioned whether too much was conceded during the Lancaster House conference and to what extent the hand of friendship was grasped and the offer of reconciliation reciprocated. It has been argued that those whites that took Mugabe at his word found it all too easy to settle down as if no real change was expected of them. Such Whites, according to Banana have remained largely secure in their privileged economic positions over Blacks because of their huge capital investments and will always remain economic elite (De Waal, 1980: 48)

Writing in 1997, Banana sounded a warning-like prophecy that has come true. He argued that because whites are economic elite without political power, and are ethnically identified, they were in fact more vulnerable than perhaps they realized. Recognizing the fact that they have not been victims of reverse racial reconciliation has lulled them into what may turn out to be a false sense of security. "They tend to think that nothing is required of them that they do not have to make much effort to alter their attitude" (Banana, 1997:122). The vulnerability of whites as economic elites in this case is similar to that of the nearly 50 000 Asian businessmen who were expelled in Uganda in 1972 by the former Ugandan dictator Idi Amin to transform Uganda into a black man's country (The Sunday Mail.17 August 2003: 2).

Concerning the role of the whites, it would appear that the Whites adopted a wait and see attitude and took the new government's confusion in policy issues as a blessing in disguise hence they consolidated their hold on their possessions without any compulsion to distribute whatever they had (Pierre du Toit, "Distrust and Fear Stand in the Way of Reconciliation", in IJR, 12 August 2002).

One of the most natural attributes of humankind is the perfected instinct of self-preservation. By the same token, any ethnic group in a dominant position seeks to entrench its situation by employing various means at its disposal to ensure its perpetuation. One cannot therefore expect the Whites to voluntarily surrender their property and can thus argue that there was and still is need for the ruling governments in settler states to come up with economic policies that facilitate the distribution of wealth, policies that satisfy at least all social groups in these states. The ruling elites should avoid the temptation of embezzling the wealth for themselves instead of distributing it to the majority poor. When that happens, the ruling elites may then set the poor Blacks against

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the Whites arguing that their failure is due to the Whites' lack of co-operation like what happened in Zimbabwe, a claim that may not be true to a larger extent.

For Mafeje (1997), the so called "affirmative action" is a sop to the aspirant Black-petit bourgeois and has no bearing in empowering the majority poor as it represents an insignificant number of Blacks (not more than 15 000 in Namibia, 50 000 in Zimbabwe and 200 000 in South Africa). This is also true of the indigenization policies that have tended to benefit members of the ruling elite and their friends (Mafeje, 12). For whites to wholly dismiss such policies as "reversed racism" may not help in changing the status quo and may lead to further polarization of races in the country which is very dangerous to the socio-economic and political stability of the country and region as a whole.

What may prevent racial conflicts are genuine talks between the government and the Whites, together with NGO assistance on how to solve the wealth inequalities and this should be done at the early stages of the reconciliation process and the government has to take the initiative and not just sit back and expect that the Whites will swiftly take the initiative by virtue of their being the settlers. Leaving the problem unattended to for too long may have destructive effects on the economy when the grievances resurface once again and coincide with a discredited government's bid to remain in power at all costs like what happened in Zimbabwe.

According to Chitiyo (2000), since the ruling party's defeat in the National Referendum of 2000, the Zimbabwean government increasingly began to shrug off its inclusive reconciliation approach and adopted the militant radical chic persona of the liberation group it was in 1980 and this has led to serious polarization between the whites and blacks in the country. The ruling party's "gangster chic" rhetoric played to populist sentiments but at the national expense. The government-sanctioned occupation of White-owned commercial farms only tinkers with the agrarian conflict but does not solve it, rather it destroys environmental and agricultural security of the country and the cost to the nation is increasingly becoming unsustainable (Chitiyo, 2000).

Lack of clear policies and intentions on part of the government may hamper effective communication and failure to deal with the source of racial conflict leading to relations characterized by fear and mistrust. Chitiyo also argues that conflicting political statements that

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oscillated between militancy and conciliatory rhetoric aggravated the land crisis leading to a diplomatic rift between the Zimbabwean and British governments. The real challenge in Southern Africa is, therefore, the promulgation of economic policies with minimal destructive effects during the transition period while maximizing constructive and developmental aspects so as to realize real fruits of reconciliation. Expelling the White communities may be a sign of policy and reasoning bankruptcy and is tantamount to reversed racism very much undesired in the twenty-first century. As Web Du Bois argued,

> a system of human culture whose principal is the rise of one race on the ruins of the another is a farce and a lie…a kind of muscular rationalism that is a recipe for moral obtuseness and a refined brutality and criticized those who seek the advance of a part of the world at the expense of the whole, the overweening sense of the "I" and the consequence forgetting of the "Thou" no matter whether it is committed by a Black or White or Asian (Du bois in Asmal, 2001:49).

Du Bois further argued that the world "is a planet of migrants, emigrants and immigrants and more so now than perhaps at any time in its entire history. It is the worst possible time for those who wish to keep humanity in its various boxes, it will not work. And it should not work" (Ibid). Therefore, all racial groups found in Southern Africa should accept that this region has become home to all of them and they should work together to ensure its success.

3.8 Black to black reconciliation in southern Africa

Former SADC Secretary General Simba Makoni (1992) argues that reconciliation in Southern Africa has largely been projected as between Black and White ignoring the Black-to-Black aspects that may even be more detrimental to the socio-economic stability of the region. Among the Blacks themselves, there are latent hostilities to each other resulting in dissident wars and inter-party rivalry that are products of lack of genuine intra-black rivalry in the post-independence era. In Namibia, activists want the ruling SWAPO to come clean on alleged abuses of human rights as many Blacks regarded as spies are believed to have been killed in detention camps. Politicians scorned the Council of Churches in Namibia for organizing a conference to

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patch up reconciliation. When the German Lutheran Pastor Siefreed Groth wrote the Walls of Silence detailing the atrocities, he was branded a liar and a traitor but now the situation has worsened with the victims demanding compensation and country's former President Sam Nujoma was uncomfortable with instituting a truth commission.

Calls to establish a Truth Commission were also heard in Malawi, a country with a very bad history of human rights abuses with reports indicating that state enemies were fed to crocodiles. In Zambia, human rights activists are calling for the exposition of abuses allegedly committed by the governments of former President Kenneth Kaunda and Chiluba.

In Zimbabwe, the honeymoon after independence did not last long as the long-standing strains in the coalition of the two nationalist parties, ZANU PF and PF ZAPU soon surfaced. Joshua Nkomo's ZAPU was sacked from government after being accused of harboring dissidents in alliance with the disgruntled members of the white regime. In a fight that ensued, the Mugabe government unleashed its Korean trained fifth brigade on Matabeleland and Midlands provinces mainly occupied by the minority Ndebele ethnic group resulting in the murder of more than an unagreeable plus or minus 15 000 civilians (Sisulu 2008). Beatings and rape cases were exacerbated. Black women were raped and abused by both White and nationalist armies during the war of liberation in the 1970s and were again abused after independence by the government's army and the dissidents and so to them it was a double tragedy. At independence, Mugabe told them forgive your enemies but soon after independence his own army became the main perpetrator of untold violence (De Waal, 1980: 54). To such women reconciliation sounds hollow, they consider themselves cursed and unwanted, with no place in this world. Only their close family members can help in counseling them and urge them to live on despite what happened.

When the Catholic Justice and Peace Commission exposed the atrocities in Zimbabwe, Mugabe denounced the subsequent Bishop's Pastoral letter of concern calling them a band of Jeremiahs and sanctimonious prelates hitting back at being criticized for abuses of human rights and for failing in the policy of reconciliation(ibid). Mugabe has never officially apologized for what his government did and it appears that the Southern African governments would use the TRC's alleged failure in South Africa to spurn calls to probe their past.

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In South Africa, from the mid-1980s Inkatha, later Inkatha Freedom Party (IFP), launched a sustained and a violent campaign against forces that were resisting the apartheid state leading to the murder of an estimated 20 000 people. Evidence elicited by the TRC exposed extensive collaboration and conspiracy between the IFP, the Afrikaner Right Wing, the South African Police and the apartheid security forces. However, in classic spirit of reconciliation, former South African President Nelson Mandela appointed IFP leader Mangosuthu Gatsha Buthelezi Minister of Home Affairs and always appointed him Acting President on various occasions.

Mamdani (1996) also expresses a view similar to the one above. He argues that "de-racialization" has taken place in post-colonial Africa but little has been done to sweep away the legacy left by the colonial use of ethnicity (Mamndani, 1996: 6-7).Therefore, in Southern Africa, there is serious need for black-to-black reconciliation if ugly scenes of violent bloody ethnic massacres are to be prevented.

3.9 The role of Churches in Reconciliation

Churches and other church related institutions in Southern Africa always maintain that the truth should be revealed to achieve reconciliation and the freedom of concise. Traditionally, the church has always been an institution that preached reconciliation. In Zimbabwe, some however struggled to come to terms with interracial worship after the achievement of black majority rule in 1980. This triggered a chain reaction exodus of whites from churches. The churches' failure to tolerate and accommodate racial diversity atrophied its previous capacity to engender meaningful social revolution. Increasing integration helped to ease the problem. Therefore, for churches in the settler states of Southern Africa, it is every conscientious individual's prerogative to work towards the fulfillment of a unified congregation regardless of race, color or creed (CCJP/LRF report, 1999: 3). The churches can then use that as a starting point to preach reconciliation to all sections of society. All individuals should accept and exercise the fundamental principle of co-existence, which calls for give and take in order to achieve a veritable state of harmonious relationships between different racial groups.

Rev C. Banana also argued that in the past, theology has not sufficiently taken into account the political dimension; it has been complacent about political, social and economic structures and

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concerned itself only with private life and values. The church argues that the hardness and difficult of reconciliation does not lie in its representing an almost impossible Christian ideal but stems from the basic unwillingness to face fear in oneself, not only the fear of hate done to them and the way of life to which they are accustomed but fear of their own unacknowledged capacity for violence and conflict with others. To recognize and confront those fears is fundamental in reconciliation (Banana, 1996: 66).

As mediators in many conflicts, individual Christians and churches as human institutions are not exempt from the temptation to play safe and to invite others to do change on. If they are to speak meaningfully about reconciliation, they cannot ignore its shadow side that are, conflict of presuppositions of interests and political aspirations, if there is to be a prospect of real peace. The greatest failing of the churches in reconciliation is that they have always tried to make peace and to pretend that peace is possible when the underlying issues have not been generally resolved. In the political and economic spheres, these are general issues of social justice that can lead to a sustained healing of wounds. Churches have however been very instrumental in dealing with trauma cases.(Ibid: 66).

Racial integration in schools can also promote reconciliation. For example, with the establishment of majority rule in 1964 both the new states of Malawi and Zambia not only outlaw racial discrimination but also dismantled all racial separate schools, hospitals and residential areas and other such amenities (Mandaza, 1997: 536). However, in the settler states of Southern Africa, the wide economic disparities between the whites (economic elites) and the majority Black poor has made it possible the continuation of private schools, hospitals and other clubs that the majority poor Blacks will never dream of ever patronizing because of the exorbitant prices needed to maintain such institutions.

The nationalization of such institutions cannot be a good idea because of the settler states government's incapacity to run such institutions. The memorandum issued by the Minister of Education in Zimbabwe in 2002 ordering all schools bearing so called colonial names to change them in preference of local national liberation heroes really contributes nothing towards racial reconciliation but only increases mutual distrust and suspicions between the different racial groups.

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3.9 Psychology in reconciliation

Trauma has both a medical and psychiatric definition. According to the National Institute of Mental Health, medically, trauma refers to a serious bodily injury, wound or shock. Psychiatrically, it assumes a different meaning and refers to an experience that is emotionally painful, distressful or shocking, which often results in lasting mental and physical effects. Psychiatric trauma or emotional harm is essentially a normal response to an extreme event. It involves the creation of emotional memories about distressful events that are stored in the structures deep within the brain.

Allen and Bloom (1994) argued that psychological trauma can be described as an emotional state of extreme discomfort and stress resulting from memories of an extraordinary catastrophic experience that shatters the individual's sense of vulnerability to harm. It involves feelings of intense fear, helplessness, and loss of control and threat of annihilation. Trauma fundamentally disrupts the individual's relationship with the world and can have both short and long term effects.

Many victims and sometimes perpetrators of violence in Southern Africa's settler states, that is, South Africa, Namibia and Zimbabwe were left reeling under a lot of traumatic experience that needs to be addressed if reconciliation is to lead to healing. In these societies, many children and women were made to watch when their parents and spouses were being killed or raped. In South Africa, there is a Trauma Clinic at the Center for the Study of Violence and Reconciliation (CSVR) where victims of violence undergo counseling.

According to Reddy (year), a past that has been marked by acute violence hovers over identity, often times emerging to imprison individuals to the present. Traumatic memories can be hidden but never forgotten. Remembering and forgetting are constant individual choices made consciously or unconsciously and can quite easily be manipulated by leaders for political objective. The experiences of traumatic events under sustained periods of violence are the "hauntingly possessive ghosts" that lurk over everyone "possessing each according to his or her histories as survivor, perpetrator, witness or complacent bystander." (Reddy,2003).

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Besides the visible scars of past violence on victims, there are invisible scars that affect those who inflicted the wounds and scars, those scars are invisible because they are unacknowledged to self and are concealed from others and often all the more deeply hidden because the hurt was done unwittingly. For example, one former White Rhodesian confessed that

> …I fought and killed, sometimes I tortured and murdered, often I burned and destroyed…the horror was that in order to "preserve the standards", "maintain civilized rule"…in order to do all this I had to lose my humanity…(King, 1988: 3)

This points to the difficulty faced by those on the losing side, former perpetrators of violence, more so if they also lost their loved ones fighting for a cause that they now realize was not worthy to defend. There is also need to include such kind of cases in the reconciliation process if reconciliation is meant to benefit the whole society.

In Zimbabwe, one Canaan Hunda, after his release from a three year imprisonment admitted that he felt angry, ready to kill the Whites, admitted the wound was still there but frustrated at first by Mugabe's call not to take revenge, his anger had gone only because they were now free. This was a common story among many victims of colonial violence (De Waal, 1980: 81).This shows that official declarations of reconciliation often attempt to bring closure through silence and forgetting. Wounds remain and this may be dangerous if politicians revive the pain for political purposes.

To deal with trauma and memory in Zimbabwe, two Jesuit lay brothers after independence organized what was called "crying retreats" for people, mostly women who had been through most horrible experiences like watching their husbands being mutilated alive. The first day or days were spent summoning the courage to relive what had happened and to let the emotions that had been inhibited to flow freely at last, only then could the talking start and the rebuilding begin (Ibid: 80).

In Zimbabwe, the Cold Comfort Farm established in an Anglican Mission became a better place to observe the working out of the policy of reconciliation after 1980.The White family of the Clutton-Brocks shared on equal footing the life of the people with whom they lived, learning as

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well as teaching, helping to build a community in which all could co-operate, contribute their gifts and skills. Most workshops on the farms were run by ex-liberation fighters and the Cold Comfort Trust always invited groups from South Africa, lawyers, journalists, businessmen, women's organizations, teachers and students from universities to visit Zimbabwe and see for themselves that there could be life after apartheid. The farm thus provided a kind of economic empowerment that was contributing to the healing of the past wounds (Ibid: 2).

In South Africa, the Amazwi Besifazane (Voices for Women) Project attempted to engage an oral archive in its attempt to develop a craft/creative mechanism that could be emotionally and physically empowering. The project gathered South African women from urban and rural areas that had experienced the trauma of apartheid asked them to create a record of their experiences through embroidery, appliqué and beadwork with the support of various women's organizations and other interested parties. The "memory cloth" produced since the year 2000 has increasingly become the basis of the historical archive that in the absence of any formal recording process became an important gesture towards holding a fragile history together. The archive helps to construct individual and collective identity. Two aims of the Project are that it eventually becomes an empowerment vehicle with the memory cloths marketed internationally and locally and that proceeds will be used to establish a Trust fund that will be established for women to participate.

For Honwana1998, healing goes beyond the alleviation of traumas and includes the mending of the social divisions both within and between communities. The cultural understanding of health and healing are important because the way people express and interpret their afflictions are very locale-specific. It would be wrong to paint a picture of homogeneity among the diverse communities. Moreover, the power of spiritual entities remains paramount in both causation of trauma and in community-based approaches to healing. It is by means of spiritual understanding that people can restore meaning and a sense of balance to their lives following traumatic experience (Honwana, 1998).

There is also a need to monitor the transition from private memory and public testimony and the challenges that victims face when they present their traumatic experiences in the public. There is also need to consider how memory, body and place are interrelated, how memory is used to serve

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a political purpose. Sometimes traumatic experience may be represented in artwork, movies or drama plays, artists and literature work. Sometimes such work is funded/sponsored or even produced by Whites themselves. Artwork, drama plays artists' work and literature work can thus be used as tools for raising awareness and advancing reconciliation.

3.10 Conclusion

Racial conflict in Southern African settler states poses a serious threat to the socio-economic stability of the region as a whole. The conflict in Zimbabwe has seriously reversed the gains that had been made since the attainment of majority rule in 1980.The main source of racial conflict is the inequality in wealth distribution that was promoted by the colonial and apartheid regimes in the region and still has not been resolved by the post-colonial governments.

For effective reconciliation, there is need for genuine dialogue between the races and the involvement of NGOs and other donors in the empowerment of the majority poor especially in the settler states as the Southern African countries do not have the capacity to solve their problems on their own.

The ruling parties in these countries are encouraged to come up with vibrant policies that will facilitate the re-distribution of resources to the deserving poor, not to amass wealth for themselves and their friends. Chaotic redistribution of resources like land in Zimbabwe that does not foster racial reconciliation but widens polarization and does not lead to economic prosperity is detrimental to the region's socio-economic and political stability.

Theatre can also raise awareness and promote reconciliation like in South Africa. State-sponsored theatre that widens racial conflict like in Zimbabwe raises populist sentiments that may be politically expedient for the ruling party but very costly to the nation's socio-economic and political prosperity.

Zimbabwe now, instead of being an inspiration in South Africa, has become a fearful warning sign because of the costly racial conflict. The racial hatred that has been fomented by Mugabe and his government may take long to subside. The shadow of Zimbabwe now hangs over the

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whole region. An explosion of a racial conflict in South Africa and Namibia could easily wreck the already fragile economies and political stability of the region.

There is a Greek proverb quoted by Pliny in Latin and when interpreted to English means "There is always something new that comes out of Africa" (Banana,1996: 133).One can also not help but hope that there is something new that will come out of Southern Africa's settler states, something positive about reconciliation, not something similar to Zimbabwe where reconciliation faltered at a time when the whole world was still hopeful that the fruits of a rare reconciliation process were about to blossom. As Rev. Banana argued, Southern Africa as a whole is one of the richest and resourceful regions of the world, in the qualities and skills of its peoples, black, white, colored, its fertile lands and minerals and so on. The potential is there, has long been there but is frustrated only by greed and mistrust.

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CHAPTER FOUR

A CRITICAL DISCUSSION OF THE CHALLENGES AND OPPORTUNITIES TO THE NATIONAL HEALING PROCESS

4.1 Introduction

On the 15th September 2008 ZANU PF and the two MDC formations signed a political agreement brokered by Thabo Mbeki under the mandate of SADC. The agreement was the culmination of a process that had begun in March 2007, which was itself preceded by various other attempts by African leaders, as far back as 2004, to bring an end to the Zimbabwean political crisis. The central aim of the September agreement was to find a power sharing arrangement that would reflect the balance of political power in the country after the March 2008 harmonised elections, which, together with the abortive presidential run-off election in June 2008, left the issue of the presidential election unresolved.

While the Agreement left key areas, such as the allocation of ministerial portfolios unresolved, it did establish a basis for moving the political situation forward. However, one of the major silences in the Agreement was around the area of Transitional Justice. This was not surprising given the fact that ZANU PF, the major perpetrator of human rights offences in the post-colonial period, was not likely to support such a process. Moreover, the MDC for its part, though not without its own problematic history of intra-party violence, neither sought to make this issue a deal breaker in the negotiations, nor had the political muscle to enforce such an inclusion. Thus the September 2008 Agreement contained one section that set out to:

> ..Give consideration to the setting up of a mechanism to properly advice 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.[7]

Moreover, this provision was lodged in the context of a discourse in the Agreement which attempted to combine the demands for dealing with human and civil rights abuses, with the need to resolve issues around the redress of historical inequalities. Thus the language sought to encompass both ZANU PF's redistributive demands around the land question, with the more

[7] Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Two Movements for Democratic Change (MDC) Formations on resolving the challenges facing Zimbabwe. 15th September 2008, Harare.

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political demands for democratization that have become the hallmark of the MDC and civil society movements in Zimbabwe (Raftopolous, 2006). It is around such tensions in the political landscape in the country that discussions on Transitional Justice need to be contextualized.

Within the framework of the broad structural and human rights abuses that were a constitutive part of colonial rule, there have been three major periods of human rights abuses: The War of liberation (1965-79); the disturbances in Matabeleland and the Midlands (1980-1988); and the era of violence since 2000 (Eppel, 2003). The human rights abuses of the colonial period were generated in the long struggles between the violent structural exclusions of settler colonial ideology and practice, and the often intolerant assertions for unity by a nationalist movement that was 'majoritarian without qualification' (Ranger, 2003). In the post-colonial period a combination of the authoritarian legacy of settler rule, the militarist forms of nationalist struggles and the monopolisation of the state by the ruling party bred a new round of human rights abuses that have continued into the present period. Moreover, such abuses have been embraced through the passing of various amnesty laws at the end of each of these periods of state-led violence.

4.2 Challenges to national healing and reconciliation

The three periods mentioned above where there was critical need for healing and reconciliation have been marred by great challenges that have failed the process that had been put in place. The Zimbabwean government of those three occasions used the top to bottom approach were the leaders decided what was relevant and what needed to be done without the people being consulted or being involved. The other challenge was the ruling or party leaders only sought to maintain and establish political rule and existence therefore agreeing to reconciliation processes that only benefited them but leaving the people in dire need of healing such as the port-gukurahundi reconciliation process. The major challenge to be discussed below is the mistrust between Zimbabwean leaders and their greediness for power as established in the post-2000 violence.

4.2.1 Problem of Justice

Perhaps, as noted above, no other concern has dominated discussions of truth commissions, especially from legal scholars, as has the issue of justice. For many, the proper response to the perpetrators of human rights abuses, violence, ethnic cleansing, or genocide, must be criminal proceedings by some sort of tribunal, a court of law or international court of law duly authorized

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to render judicial dispositions. Also to establish justiciable facts of the matter, to render verdicts and, if called for, to punish, but truth commissions including the more ambitious truth and reconciliation commissions cannot by their nature deliver this sort of justice in Zimbabwe. A significant part of the literature is devoted to the delineation (and defense) of quasi-justice forms and entities, among them transitional justice, restorative justice, or retroactive justice, most of which aim, in the end, to move away from criminal verdicts retributive justice and toward truth-seeking and reconciliation (Tutu 2000).

These alternative forms of justice mean that the work of truth commissions falls, in Martha Minow's (1998) phrase, somewhere in the morally, politically, and emotionally fraught continuum between vengeance and forgiveness. A great deal of the controversy, not to mention passion, that surrounds the workings and assessment of these commissions by different parties, has to do with the tension existing between the two poles of this continuum the putatively primordial human impulses to wreak vengeance or to offer forgiveness, for terrible wrongs done. The tension has to do as well with arguments about whether notions of justice and truth are related necessarily or merely contingently.

As noted from the past calls for reconciliation in Zimbabwe there have been considerable ways to solve injustice but the question still remains whose justice, whose reconciliation, whose healing. In 1980 when the president Robert Gabriel Mugabe called for reconciliation, it catered only for the white to blacks in power and was just forced upon the people to live together as he said that yesterday's enemies are today's friends, to lure and make happy the West. He did that forgetting the people who had fought the war, those who had been abused by the war those who had lost loved ones were not healed. Whose justice or reconciliation is needed? Zimbabweans need healing from all the past human rights abuses and they have not had it. Justice is needed in the Gukurahundi violence where it was Zimbabweans killing and butchering Zimbabweans but when reconciliation came in 1988 it occurred between the political parties only. The Matabeleland and midlands people were not recognized. Those that lost loved ones, those that had suffered in the hands of the government soldiers were neglected thus even today unity between the Shona people and Ndebele people is difficult. Some Ndebele people born in the post-gukurahundi era have inherited the hatred for Shona people because reconciliation did not

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reach their fore-fathers and healing was not found. As a result, they passed on their heritage of hatred for the Shona people.

4.3 The Problem of Truth

Truth is the major challenge to achieving healing and reconciliation in Zimbabwe, as mentioned above, truth in relation to justice and, accepting commissions of inquiry, noted in its defining place in the titles of most of these commissions should be recognized as one of the key and problematic themes for reconciliation. For, of course, from truth's defining place in the commission's title does not follow an easy definition of truth (Landsman; 1996)

In a world where it is yet possible for many people, in the face of overwhelming evidence of every imaginable sort, still to deny the magnitude, intention, or very existence, of the Holocaust, it is not surprising that the authenticity of more poorly documented human disasters may be made objects of great contention. With respect to the "truth," many truth and reconciliation commissions find themselves operating in epistemologically relativistic and rhetorical worlds that would make the most steadfast of academic postmodernists blush.

The issue of the complexity and multiplicity of truth is a central one linking the problematic demands of justice and the hopes for reconciliation. It is also the arena in which the parties' competing versions of history and the politics of memory play themselves out. Particularly in a dirty war, Lerche (2000: 33) argues, all sides have their own version of the truth of "what really happened." In reflecting, especially on the South African Commission, several authors in the important collection by Villa-Vicencio and Verwoerd (2000) address the complexity of truth-seeking, and they propose different genres of truth to satisfy the different demands made on it, among them, historical truth, moral truth, factual or forensic truth, personal or narrative truth, social or dialogue truth, and healing and restorative truth. Some of these sorts of truth aim to make an ineffaceable inscription on history. Forensic truth, for example, from a field almost single-handedly established by Clyde Snow and the many physical anthropologists he has trained and supported over the years, aspires to uncover overwhelming material evidence to establish an incontrovertible facticity and present it in so compelling and scientifically irreproachable a way such that no one can argue that these killings did not happen. Some of these truths endeavor to create authoritative and indelible memory.

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At the South African Truth and Reconciliation Commission, personal truths, emerging especially through victims' and perpetrators' public testimony, seek to ensure that individual acts of oppression and oppressed individuals cannot be forgotten. It is, as Henderson (2000) and many others have argued, a kind of insurance against collective amnesia after the Truth and Reconciliation Commission, no one in South Africa was again able to say, "I do not know what really happened." This is, however, impossible in Zimbabwe as truth is hard to retrieve because many elite people in the political parties are to be accused of instigating violence thereby becoming an obstacle to truth telling. This makes it impossible to achieve healing and reconciliation.

However, even leaving aside the extant massive facticity about the Gukurahundi that yet deters no Zimbabwean in pain to be healed, it is one thing to make public that security forces engaged in torture or disappearances, to establish the facts, and quite another to establish a society-wide consensus on what they mean. The Fifth Brigade forces apparently believed that they were fighting rebellion subversion under emergency conditions that demanded extraordinary measures to protect national security, and many believe it today, even some among them still have no remorse of what happened in the two provinces of Zimbabwe. No one has offered words of regret for their victims and offered apologies to the survivors. Shared facts do not necessarily conduce to shared truths. And even if they did, in some objectivist and positivist universe and although truth is always a good thing, as the African proverb reminds us, "truth is not always good to say". It is impossible for Zimbabwe to attain truth, reconciliation, integration and healing with secrets still looming around the thoughts of those who were abused in all stages of human rights abuses in Zimbabwe.

Finally, the problematic of truth always circle back in these matters to the exigencies of justice, including punishment. Especially when combined with immunity from prosecution, with pardons, or with amnesty, the wages of truth-telling may become contested. In South Africa, where the granting of amnesty by the Commission has been one of the most controversial aspects of its functioning, Bishop Tutu (1999) argued that "freedom was exchanged for truth." He further writes of trading justice for truth and has raised the ethically impacted problem of fungibility, the question of whether truth is a commodity that can be traded and if so, for what and at what price.

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4.4 The Problem of Reconciliation

For Bishop Tutu and many others, the only reasonable price would be one able to purchase peace, implying reconciliation, and perhaps forgiveness. This indeed is how he solves the problem of justice, distinguishing retributive from restorative forms. Moreover, the restorative justice reflects a fundamental and venerable African value of healing and nurturing social relationships at the expense of exacting vengeance, of nothing less than a quality of humane sociality. Ubuntu is the source of restorative justice needed in the African conflicts as our forefathers clearly understood it (Tutu 1999 and 2000).

It is worth considering the particularly African sources of restorative justice at some length from a more coherent cultural point of view but we must also ask about the mechanisms by which truth-telling connects to peace and reconciliation and the role of forgiveness in all this. Montville (1995) and Lederach (1997) have considered the role of reconciliation in the larger context of post conflict peacemaking. For Montville, the process of reconciliation can be broken down into the formula of acknowledgment and contrition from the perpetrators, and forgiveness from the victims. This can come about in specially designed workshops wherein, under the guidance of trained third parties, contestants partake in walks through history. The goal is to affect a healing process, which cannot begin until there has been some public acknowledgment of what has happened. Montville goes further, saying justice is a form of healing yet another genre proclaimed of an already over determined form. In fact, proponents of reconciliation often turn the discourse of justice into the language of therapy and healing, or the moral and religious discourse of forgiveness. Along with notions of punishment or retribution, what is also lost in this transformation, to many critics, is the notion of equity.

One of the key problems here involves the concept of transfer effects, how to move reconciliation and forgiveness, even if affected at the individual level between victim and perpetrator and the South African case featured a few dramatic instances of this to the societal or national levels. Proponents of reconciliation do not limit its application to the individual or psychologically therapeutic level. However, it is precisely in trying to apply what may be therapeutically effective at the interpersonal level to the collective level that reconciliation often seems to lose clarity and become more ambiguous as an approach to peace-building.

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Can we talk about individual healing in the same breath as national healing, evince some skepticism here, while Tutu (2000), Lederach (1999), and Montville (n.d.) are more hopeful. In an interesting analysis of the South African case, Wilson (2000) underlines the value inherent in recognizing individual suffering and collectivizing it, as the South African TRC did through its televised hearings. A new political identity was constructed, that of national victim. In this way, individual suffering was brought into a public space to be shared by all, made sacred in order to construct a new national collective conscience. This is in contrast to the Zimbabwean case where reconciliation has been from the top, only catering for national healing and reconciliation since 1980, 1988 and post 2000. This has failed dismally because national healing is more political, hence depriving and neglecting community and individual healing will not help matters (Murithi and Mawadza, 2011: 193).

Winslow (1997) argues that while the South African TRC has worked in some ways to affect reconciliation at the collective level, this can occur at the expense of individual, psychological healing. Healing at the individual level is independent of collective reconciliation. Clearly, the whole area of reconciliation and forgiveness remains a contested one, contrition and forgiveness, and even reconciliation, affected at a collective level, adequate for a nation's coming to terms with its past. One premise of most healing and reconciliation is to answer this question in the affirmative. The Zimbabwean experience of national healing has been too political, characterized by government policies of let bygones be bygones or collective amnesia prescribed through the Prime Minister's address in the post-election 1980 (Kubatana, 2010).

Granted, Mugabe's 1980 speech was a great opportunity for reconciliation as this was not merely uttered political statements but helped by calming the nerves of the former warring parties and other stakeholder's both internally and internationally. The challenge, therefore, is that these political statements remained political speeches that were not followed or translated to a government policy or programme that was implemented nationally to the provinces, to the towns and villages to ensure true healing and reconciliation.

4.5 The Problem of Democratization

As noted above, truth and reconciliation commissions are usually established by "transitional governments" coming to power in place of repressive regimes and after periods of widespread violence, state terror, or ethnic conflict. The transition is one to democracy and the rule of law.

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According to Hayner (2001), in the post-Cold War order, nothing less than the future of peace and democracy may rest on the success or failure of reconciliation.

Zimbabwe has been coming through democratization since independence making the situation in the country somewhat different from that of South Africa in 1994, as the whole country went through reconciliation together as they also moved and democratically developed. The opportunity for healing harmonized with democracy should have begun in 1980, but 30 years down the line democracy is still elusive.

Democracy means that there are social, economic, political respect of human needs, wants and rights by the government. The government also must protect and ensure that people's rights are observed by the rest of the country in peace. There has been no civil war in Zimbabwe for some time now but there has not been any democracy (Rosenberg, 1995). Not surprisingly, the problem of justice gives several reasons why transitional governments should opt for full accountability for past crimes. Not only is it a moral obligation and a legal requirement under international law to bring to justice perpetrators of human rights violations, it is also the practical option, for two reasons. First, without punishment there will be no deterrent to prevent military or security forces from carrying out the same violations in the future. Secondly, accountability is an essential prerequisite for a successful democratic transition. If past violations of human rights go unpunished, it will undermine the rule of law and the very foundations of the new democratic institutions that are being built. However, there are practical difficulties associated with defining "accountability" in the fullest legal sense. For one thing, the fragility of transitional governments needs to be emphasized. The old elites of the repressive regime, political or military, often retain the power to destabilize or overthrow the new regime if they fear punishment or retribution at its hands. The case of Chile is a classic example of how to obtain justice given the constraints of amnesty laws and presidential pardons. In fact, the record of truth commissions in Latin America shows that the military and police apparatus survived the scrutiny with their legitimacy undermined but their power largely intact.

The problem here becomes one of trying to inculcate a culture of democracy in the face of such widespread amnesty and less-than-full disclosure.

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4.6 The Problem of Culture

The problem of culture did not arise in our rough "meta-analysis" of themes in the literature in anything like the way that justice, truth, reconciliation, and democratization did. Except for scattered references like the ones above to the culture of impunity, in fact, the notion of culture hardly arises at all – and that is precisely the problem. Hahn (1987) writes (in a rather prescriptive mode) about the Buddhist approach to settling disputes and reaching reconciliation, while Hope (1987) claims forgiveness as a core value of Christianity and other major religions. But the South African theologian Mark Hay (1999), supportive of the TRC's mission, worried that, especially at the beginning of its tenure, "it portrayed itself too much as a Christian initiative" (Lollini 2011: 96). And although Bishop Tutu seeks to identify the deeply Christian basis of reconciliation in the TRC with the African value called Ubuntu, ethnographic work in the local lekgotla, or township courts, establishes an alternative notion of justice for the human rights abuses of Apartheid, one that is opposed to the restorative kind of the TRC, one that emphatically calls for punishment and retribution.

None of this should surprise anthropologists who are used to seeing supposedly monolithic and thoroughgoing cultural values or norms break down, if not disappear, in the diversity and contentiousness of culture at the level of localities and situated individuals. Most of the truth and reconciliation commissions covered in the literature have worked when they do in Christian countries, and have recourse too broadly if not perfectly shared Christian values. But any attention to culture should alert us to the recognition that such notions as justice, truth, forgiveness, reconciliation, and accountability – to name a few – are always socially constructed and culturally constituted. Research in conflict resolution has already established different modalities for Islamic and Western cultures around such key ideas as justice, peace, and reconciliation and contrition and forgiveness and there is no reason to think that cultural differences stop there. Here then is one area for further research suggested by my review of the extant literature that follows: for whatever the value of these commissions may be, they will certainly face new sets of challenges if and when they seek to work to ascertain truth(s), or to affect reconciliation, in cultural settings different from the ones attempted thus far and, perhaps even more so, if and when they seek to do their work across significant cultural borders.

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4.6 Organ on National Healing, Reconciliation and Integration:

In Zimbabwe, a viable instrument for stemming the national culture of impunity or a political milieu of inclusivity and bipartisan politics at executive level, together with the accommodative rhetoric of leading politicians and the setting up of the Organ on National Healing, initially seemed to augur well for a victim-sensitive truth and reconciliation process. But this has not turned out to be the case. The current process has within it some inherent weaknesses, and it confronts intractable challenges. For truth and justice to take place, there should be strong moral rejection of the former regime, and a clear consensus that its system was bad and its agents guilty of moral wrongs. There should also be a clear definition of what was wrong with the past. The Inclusive Government is in reality, however, a case of transition without transformation. ZANU (PF)-aligned functionaries still control the police and army, the Attorney General's office, the reserve Bank and provincial governance. There is also no clear definition or understanding of what went wrong in the past.

At government level, there is also no symmetry in power relations among the political players in the Inclusive Government. In 2008, Tsvangirai ordered the cessation of farm invasions, but to no avail. MDC supporters and members of civil society continue to be harassed by the police, and youth militia bases have been surfacing in rural areas. These threats and intimidations are not confined to the MDC grassroots. On 27 July 2009, Tendai Biti, the former Minister of Finance and MDC secretary General, received a package containing a live bullet and a letter with the message "*raira nhaka*" ("prepare your will"). Although the culprits were not apprehended, it is possible that these were the acts of what Tsvangirai termed "residual elements of resistance" among ZANU (PF) hardliners.

President Mugabe continues to monopolise executive powers. ZANU (PF)-aligned government functionaries have mandated the state-owned media to prefix references to Mugabe as "The President, the Head of state and Government and Commander-in-chief of the Defense Forces". This Orwellian form of address may dispel any notion that the prime minister and the president's offices share executive power. The monopolistic state print and electronic media also continue to cast aspersions on the MDC's bona fides as a patriotic political formation. This toxic discourse is compounded by ZANU (PF)'s claims that the MDC instigated the targeted Western sanctions imposed against its leadership and selected state-owned companies. As a result, at its December

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2009 congress, ZANU (PF) concluded that it was no longer going to implement fully the GPA, such as the equitable distribution of provincial governorships and ambassadorships, as long as sanctions remained. The MDC had first to call for their removal by their Western allies. These institutional deficiencies are compounded by the fact that the Organ on National Healing does not have binding and well laid-out instruments for achieving national healing and reconciliation. Although the GPA's Article 7 recognises the need for "equality, national healing, cohesion and unity", it is nebulous about the proper procedures for achieving this. It just states that the Inclusive Government "shall give consideration to the setting up of a mechanism to properly advise on what measures might be necessary to the practicable to achieve national healing" (GPA 2009: 5).

From February 2009 to February 2010, the National Organ gathered diverse Zimbabwean perspectives and concerns about national healing modalities, without any substantive measures being put in place to "heal the nation". This has resulted in many regarding it as a political gimmick to hoodwink a traumatized people - a national political placebo. Although the Organ was constituted for consultative purposes, it should probably have been instituted along the lines of TRCs. As defined by Hayner, TRCs should: operate impartially, free of political interference, have adequate resources and access to the information they deem necessary, be implemented as quickly as possible after the period they are expected to investigate, work for a limited specified period, and be empowered to investigate and be empowered to make widely and expeditiously distributed recommendations for further action to governments with the expectation that those recommendations will be considered seriously. Some African TRCs of the recent past have enjoyed a degree of impartiality by being detached from party political supervision. They were independent bodies under the tutelage of either respected judges or priests. This was the case in Sierra Leone, Liberia and South Africa. The South African TRC sought to investigate gross human rights violations that occurred between 1960 and 1994, to create as complete an account as possible of the atrocities of the period. Perpetrators were offered amnesty in exchange for full disclosures about their past crimes. This was part of a political compromise to a democratic multiracial dispensation between the African National Congress (ANC) and the outgoing apartheid government, led by the National Party (NP). South Africa's version of restorative justice emphasised reconciliation between perpetrators and victims, and centered on a perpetrator's repentance and a victim's forgiveness.

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A replication of this process in Zimbabwe was impossible, however, because the major players in the Inclusive Government were beholden to political convenience and survival, till the elections of 2011. The Organ on National Healing's members was representatives and patrons of both victims and victimisers. The two members from the MDC formations might want restitution for the victims, or retribution against the members of the security forces, war veterans and militias that terrorised the people over the past decade, but the ZANU (PF) members will obviously checkmate such retributive moves. ZANU (PF) may seek reconciliation without a whole national healing process. For example, during a consultative meeting, Minister Nkomo, the ZANU (PF) member in the Organ on National Healing, fumed when asked how people could be open to reconcile and heal when war veterans who were perpetrators were still roaming free. He retorted, "What are you saying? The war veterans liberated this country. They liberated you from the hands of colonial rule, so why should we not think of them today". By constructing the war veterans as untouchables, the broad possibilities for national healing, justice and even truth-telling are foreclosed. These views are not isolated outbursts of an individual, but are reflective of ZANU (PF) thinking. By February 2010 more than a year after the formation of the Inclusive Government and the Organ on National Healing not a single prosecution has taken place in Zimbabwe against any perpetrator of human rights violations. The MDC's security Department had compiled and handed to the Attorney General and the police, a detailed dossier for possible prosecutions of the killers of 200 hundred of their members prior to June 2008. Nothing had been done despite the overwhelming evidence availed by the MDC against certain individuals (Tapuwa, 2009: 8). This inertia in the justice system is symptomatic of how the state has rendered the judicial system impotent as far as the prosecutions of ZANU (PF)'s politically motivated offences are concerned. Some of the MDC's demands that have a bearing on national healing are untenable in the ZANU (PF) power matrix. The military has not only been partisan and political, but has also been implicated in coordinating human rights violations against members of the MDC in the run-up to the June 2008 elections. As a result, the MDC wants an overhaul of the nation's military structure. Under its proposal, the Defense Forces Commission – which oversees appointments to senior positions – would be restructured so that a new board with independent and qualified members is appointed, in consultation with commanders of the Zimbabwe National Army and the Air Force of Zimbabwe. The Commission would review and oversee senior appointments and promotions, as well as the general working conditions and

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salaries of all personnel. Some radicals in the MDC also want known perpetrators of violence to be prosecuted, as a precondition for any significant national healing processes. However, the powerful military generals or the "securocrats" may not tolerate such a move. ZANU (PF) may also block any move that will subordinate military officers to humiliation in any civilian justice process. ZANU (PF) and the top brass's political and economic interests may be mutually intertwined. The army's upper echelons may not be depoliticised, because they have openly pledged partisanship to ZANU (PF).

Besides the foregoing structural impediments, defective perceptions about the national healing parameters also militate against a comprehensive process. There is a partisan perception in civil society and in the MDC that violence was perpetrated by the state, and it is state-affiliated institutions such as the military, police and militias that should be investigated, and possibly have some of their members prosecuted. This view is pervasive, because violence in Zimbabwe has been instigated by the state. However, the instigation of youth to intimidate citizens and perceived opponents to ensure political compliance has not been confined to the ruling party. Politically motivated violence on the part of youth has also been significant feature of intraparty contestations for domination in the MDC. This violence needs exorcism as well. Before the split of the party in October 2005, youth had beaten up leading officials, such as the party's director of security in September 2004. After the split, youth aligned to the mainstream faction of the MDC attempted to assassinate the Hatfield constituency's Member of Parliament in Mabvuku on the 16th of July 2006. The youth perpetrated some of these acts of violence at the party's Harvest House headquarters in central Harare. Although the MDC dismissed those implicated in these acts, some high ranking members of the party were controversially reinstated, and even reemployed, them. David Coltart, a leading MDC official and prominent human rights lawyer, argued that, just like the ruling ZANU (PF) party, the opposition had failed to formulate an alternative political system without coercive tendencies:

Zimbabweans have become so accustomed to violence being used as an acceptable political weapon that they have lost sight of the fact that the democratic world has moved on and that such methods are anathema. By a silent and insidious process of osmosis, they have absorbed this disease and tragically, they do not understand the extent of the problem. The ongoing consultation about national healing is also flawed by being conceptualized in selective racial

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terms, because it excludes the white community. During the land reclamation exercise, individuals spearheading the process killed and maimed some white farmers, and dispossessed some of their property which has also had an impact on black farm workers. However, ZANU (PF) will not acknowledge culpability for these unsavory dimensions of the land reform, because it would downplay the moral imperative of their claims for racial empowerment through land repossession. To date, public officials have not expressed regret about the deaths that occurred during the land-reclamation exercise popularly identified as the *Chimurenga* (Liberation War).

Perhaps the comments of the leader of the war veterans, the late, Dr Chenjerai Hunzvi, in early 2000, best approximate the essence of the silence and the lack of empathy for white farmers as well as black farm workers. He argued that, "like in any revolution, the path is always bloody, and that is to be expected, and hence no one should raise eyebrows over the deaths of four white farmers… God told us to get the farms: from them we shall get something to eat" . In this context of racial and political polarisation, the suffering of whites and poor black Zimbabwean citizens matter little in official circles.

In conclusion, Zimbabwe's ongoing national healing efforts are a futile quest, because there is no convergence of opinion among the political protagonists about defining and repudiating the ideas and individuals that fomented the violent politics of the past, such as youth militias and war veterans, who deliberately and violently trampled upon the rights of what they arbitrarily defined as "unpatriotic" citizens. These militias remain a strategic reserve force, to be deployed at any time to checkmate political opponents through violent tactics. Added to this is the current politically induced incapacity of state institutions, such as the police and the Attorney General's office, to investigate and prosecute human rights violators. All these factors confirm that possibilities for a comprehensive and historically sensitive national healing process are a mirage.

4.6.1 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 fulfill their parties' political agendas (Male Print Journalist, 22 July 2013). Chances of politicians shielding

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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 Director at ONHRI stated (26 July 2013), 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 as there cannot be an agreed mandate or way to move forward in implementing reconciliation to a nation so destroyed by violence.

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).

4.6.2 Problem of accountability

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) 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 fulfill the right to

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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 has affected its work even with other ministries in government. As 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. 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).

4.6.3 Mistrust between the parties involved

The challenge of lack of trust has led to implementation challenges within the government. The economic meltdown in Zimbabwe 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".

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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). Accordingly, ONHRI experiences financial constrains in its work. There is need for ONHRI to work with grass root communities; the institution lacks finances to do so amidst other constrains. 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. 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 28 funding from UNDP, ONHRI however, continues to experience financial constraints.

4.8 Conclusion

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). Civil Society Organisations (CSOs) in Zimbabwe have emerged to provide medical treatment as well as psychological support to victims of organised violence and torture.

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. Hero's status is centralised as heroes are selected by the ZANU PF party through their 31 politburo members. As Colvin (2007:328) points out, the manner in which selections are made is an example of the "centralisation and

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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. One of the most pertinent issues in the communities in Zimbabwe 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.

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". 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

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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 a glaring one. 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 32 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. The Zimbabwe Human Rights NGO Forum 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.

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CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 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 since its liberation in 1980 to the 2008 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 study, the model of reconciliation under which ONHRI is founded is structurally limited. The development of the approach to help prevent further and renewed violence in Zimbabwe in the aftermath of the violence of 2008 harmonised elections must be that of peace and justice that protects the people. In addition to the killings, rape and other forms of physical and psychological violence and torture were committed.

This study set out to unveil the opportunities and challenges to national healing and reconciliation in Zimbabwe in the post-crisis situation. 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 opportunities and challenges 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. The reconstruction of the country can only occur through a clear acceptance and acknowledgement of all acts of violence since independence. Only when the country has been granted a path to move forward can reconstruction be ready to begin.

5.2 The impact of intense violence

The impact of intense violence on survivors has been enormous. Their basic psychological needs are profoundly frustrated, their identity, their way of understanding harmony and peace, and their religious and cultural beliefs disrupted. These disruptions, along with those of interpersonal relationships, and the ability to regulate internal emotional states, co–exist with and give rise to intense trauma symptoms. This has translated and has changed the socio-economic and political atmosphere of the country. Due to violence, many have left the country to the diaspora thereby

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affecting the developmental opportunities of Zimbabwe. The movement to the diaspora or migration has challenged the development and reconstruction of the nation socially, economically, politically and spiritually.

5.3 Healing and reconciliation

Since identity is rooted at least in part in group membership, the traumatized people in Zimbabwe would include not only survivors of this decade of crisis but also those who returned to Zimbabwe to devastated families, communities, and indeed their entire group. This is especially the case since many because identity has been used to cut or set apart the country into divisions among the Shona and the Ndebele people instead of the leaders strengthening their identities as one Zimbabwe. The sense of vulnerability and the perception of the world and other people as dangerous increase the likelihood that, without corrective experiences, former victims will become perpetrators. They are likely to be especially sensitive to new threat. In response to new threat or conflict, they may strike out, believing that they need to defend themselves, even when violent self–defense is not necessary, in the process becoming perpetrators. This self–protective violence seems especially likely when former victims live with and are surrounded by the group at whose hands they suffered such extreme violence and when there is not yet the sense that justice has been done. This has precipitated the conflict and violence in that towns and rural areas as enemies live together without reconciliation.

5.3.1 Healing, reconciliation, and forgiving

Healing from the psychological wounds created by past victimization should make it less likely that victims engage in unnecessary defensive violence. In addition to reducing pain and suffering, healing also makes reconciliation possible. A history of violence and conflict between groups may be stopped through a peace agreement. However, it has been increasingly recognized that the re-emergence of conflict and violence remains probable after such agreements. The peace agreement does not by itself change feelings of enmity fear, mistrust, and hostility–that have developed. Lasting peace requires changes in the attitudes of people in each group toward the other as well as changes in government and private institutions and culture. This change in attitude and practice is more necessary after intense violence, and when the violence was stopped not by a peace agreement.

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5.3.2 Definitions of Reconciliation and Forgiveness

Healing and reconciliation need to go together, especially when the groups that have engaged in violence against each other continue to live together. It has been a common belief that healing for trauma survivors requires a feeling of security. Healing can begin when there is at least limited security, that is, when physical conditions are relatively safe. This means that only when the security sector reform is done and these institutions are willing to do their jobs according to the oaths they took to protect the citizens not be manipulated and be misused to serve the interest of the few.

In Zimbabwe, far from complete, physical security seemed to exist after 1999, provided by the relatively stable conditions under the rule of the ZANU-PF government. However, for healing to progress for two groups living together after genocide, psychological security must increase. The beginning of healing would enhance the possibility of reconciliation, while the beginning of reconciliation would further the possibility of healing.

For reconciliation to take place, perpetrators and members of the perpetrator group who may not have engaged in violence also need to heal. Often perpetrators have endured victimization or other traumatic experiences as part of the cycle of violence. Their unhealed wounds contribute to their actions.

In addition, people who engage in intense violence against others are deeply affected by their own actions. In order to kill another person, one must close off some of one's humanity. Empathy and compassion must be shut down, at least in relation to the victims, especially when a person engages in repeated acts of intense violence. But closing off empathy to some people tends to spread to closing of empathy to others as well. Those who have engaged in extreme and premeditated violence may need to maintain psychological distance from their own behaviour to avoid being overwhelmed by guilt and horror. To protect themselves from the emotional consequences of their actions, perpetrators often continue to blame victims and hold on to the ideology that in part motivated and to them justified, their violence. As passive bystanders or supporters of such violent acts, other members of the perpetrator group would be similarly

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affected, although presumably much less intensely. Thus, for reconciliation to be possible, perpetrators and members of the perpetrator group also need to heal.

This just outlines that the whole country needs healing, for all have been effected by these long lasting acts of violence, many killed, many died, others witnessed and others lost relatives.

5.4 An approach to healing and reconciliation

This study recommends an intervention developed to help promote healing and reconciliation. Since the whole society was affected by the near genocide, it was essential to reach large numbers of people. For these reasons, it is necessary for reconciliation to be led by community workers and leaders to groups of people. The plan was not to develop a program that would replace existing approaches to healing and reconciliation, but to offer an approach that will give the people hope and a new beginning that has no hatred but forgiveness.

5.4.1 Role of traditional leaders

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. With the realization that effective national processes such as national healing and reconciliation are more vibrant through the participation of all stakeholders such as chiefs and communal headman as they have a better relationship with the people than the government. Most leaders know or have a clear view of the causes and effects of injustices around their community so it would be of highest degree to involve these leaders in all reconciliation efforts.

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 instill healing among Zimbabweans. According to the Shona traditions or culture a reported crime or offence is not brushed under the carpet but is dealt with immediately so that it would not affect any future encounter and activities in the society. Therefore, suggesting that any offences and pain caused

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must be dealt with or solved for Zimbabwe to pursue its nation building without being dragged down by the weight of issues not properly addressed.

5.4.2 Understanding the Effects of Trauma and Victimization and Paths to Healing.

Understanding trauma, including the classic symptoms of post-traumatic stress disorder, traumatic grief, and the profound effects of traumatic experiences on the self, can contribute to healing. Coming to see that one has changed and that these changes are a normal consequence of extraordinary, painful events can ease people's distress, and promote healing. The trauma framework this study provided is constructivist self-development theory. This framework suggests that the wide range of psychological, behavioral, somatic, and spiritual responses to violence are normal consequences of victimization and present symptoms as adaptations. Providing people with a framework for recovery offers hope, a fundamental aspect of healing. The framework I used, explicated in detail elsewhere, presents core concepts of respect, information, connection, and hope as the essential elements for healing. Currently, it should be attempted to normalize the experience of traumatic stress, to depathologize the many problems people face in recovery, and to empower survivors to become active agents in their own process.

It should be encouraged that individuals can support each other in a neighbor to neighbor healing process, which must include engagement with experience in the context of interpersonal support. The former includes allowing oneself to know the things that happened to one for the things one did. The latter means allowing oneself to feel the emotions associated with the terrible things that happened, including the tremendous losses that are an inevitable part of traumatic experiences. Such an approach may result in a temporary increase in trauma symptoms, but ultimately it is approaching, rather than avoiding, memories of traumatic experiences that appears to offer relief to survivors

5.4.3 Understanding Basic Human Needs.

Our perspective on basic human needs is relevant to understanding the origins of genocide, the impact of victimization on people, and healing. These needs include security, trust, and esteem, positive identity, feelings of effectiveness and control, positive connections to other people, a comprehension of reality and of one's own place in the world, and transcendence (or spiritual needs). The frustration of basic psychological needs by social conditions is seen as one of the

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sources of groups turning against other groups. These basic needs can be deeply frustrated by victimization and other traumatic experiences. An important aspect of healing is the fulfilment of basic human needs.

5.4.4 Sharing Painful Experiences in an Empathic Context.

This area of the training seminar was experiential. It focused on healing through writing, drawing, or thinking about one's painful experiences during the genocide, followed by sharing these experiences in small groups, with group members responding empathically to each other's stories. This process includes elements of exposure and disclosure, which has received extensive neglect, must be set above to be supported in the whole country starting from families and communities.

5.5 Goal: Healing or Community–Building.

One of the objectives was finding the opportunities for healing and reconciliation of the past injustices and community building has been identified as another way to find peace and healing especially in rural communities. Community building by healing societies engaged in such activities as sharing feelings and thoughts, or learning about trauma is proven to be helpful. Community–building through activities as income generation, agricultural work (crop cultivation, animal husbandry), or discussed housing and economic problems is meeting each other at the point of need and from there working together would facilitate openness and seeking for forgives.

5.5.1 Focus: Religious or Secular.

Religious and Christian perspective, is identified in the study as one of the integral aspect for facilitating and leading healing and reconciliation in the nation of Zimbabwe. Being a country of Christian and religious backbone, it is important for the ONHRI to inject prominent religious leaders in the planning and implementation of the healing process. In a country as religious as Zimbabwe, however, prayer is integrated into activities much more frequently than in the United States, so that even the non–religious groups may have done some praying together. This would differ from the religious focused groups, in which there were discussions, for example, of what the Bible says about killing, discrimination, tolerance, and so forth.

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5.6 Conclusion

In this study, I analysed and tested promoting healing and reconciliation. The positive results will encourage and support the use elements of this approach with varied groups in Zimbabwe, including high level national leaders and journalists. While I have not conducted a systematic evaluation study of these later efforts, my observations and informal evaluations suggest that the flexible use of elements of this approach have highly positive value. I would not have felt confident using the approach as I have done, without the study reported in this research. The findings of the study combined with our reported experience suggest that this study to healing and reconciliation may be useful in settings other than Zimbabwe, where people are struggling with the aftermath of intractable conflict, mass killing, or genocide. Our experience in Zimbabwe and reports from other post–conflict settings indicate a great need for the kind of assistance the post reconstruction of post-conflict. Due to the difficulties and challenges of careful evaluation of interventions, evaluations are usually anecdotal or satisfaction–based.

For Zimbabwe to live in peace with itself and to prosper, it has to arrive at a point of truth and reconciliation with the past. Healing has to be achieved in a manner which respects the norms of justice. The study revealed that the future cannot be built on either vengeance or on disregarding injustices of the past. All parts of society have to come together to decide how to deal with their heavy inheritance. In order to bear fruit, and to enable Zimbabwe to rise and realize its potential, this process has to be truly inclusive and respect those who have suffered for standing up and claiming their rights.

The responsibility to protect human rights is now one of the fundamental principles of modern international law. The Government of Zimbabwe will need to examine urgently what should be done to uphold this principle in Zimbabwe in future. In particular, it should be borne in mind that a State has a legal duty to take reasonable steps to prevent human rights violations – in this instance, particularly violations of the freedom of association and collective bargaining Conventions – and that the links between freedom of association, human rights and democracy cannot be overemphasized.

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5.7 Recommendations

The Government should ensure that decisive action is taken with a view to the full implementation of the recommendations put up by the ONHRI. Looking to the future, and in a spirit of confidence building and reconstruction, we believe that it would be helpful to Zimbabwe for the Government to implement the following recommendations:

The study recommends that the relevant legislative texts, and most particularly the Labour Act, the Public Service Act and the Public Order and Security Act, be brought into line with the respect of human rights and approving equality as its foremost value to accommodate all people black or white, Shonas or Ndebeles and from any political party.

The study recommends that all anti-union practices as set out in our findings, arrests, detentions, violence, torture, intimidation and harassment, interference and anti-union discrimination cease with immediate effect and that steps are taken by the authorities to ensure that there is no repetition of such acts in the future. The study realizes that only through the reform of the justice and rule of law institutions to be fair and seek to protect the citizens first then can only the country be reconstructed.

The state should be mindful of the role that its process played in allowing people to be heard; other national institutions continue this process so that trade unionists and perpetrators participate in a national process of truth and reconciliation. In particular, noting that the Zimbabwe Human Rights Commission and the Organ for National Healing and Reconciliation could play an important role in this regard, the study recommends that the Human Rights Commission be rendered operational as soon as possible and that the Government ensure that these institutions are adequately resourced so that they may contribute to the defense of trade union and human rights in the future.

Stressing the essential place of the rule of law and the role of the courts in ensuring that an environment exists in the country in which freedom of association and collective bargaining may be enjoyed in practice. Recognizing the special role that could be played by the Labour Court, the Government should take steps to reinforce the rule of law and the role of the courts in

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Zimbabwe by ensuring that the courts are respected and properly resourced in material and human terms, and that training, education and support in relation to freedom of association and collective bargaining, civil liberties and human rights are provided to members of the judiciary and court staff at all levels of the court hierarchy.

5.7.1 The path to truth, reconciliation and justice

I wish to record that at the present stage of the history of Zimbabwe, it is imperative to recognize the need for healing of past atrocities as they continue to haunt families, communities and villages. It has become a stumbling block to the development of the country as most expertise and divisions have allowed the people not to work together. I am conscious of the challenge facing Zimbabwe which is how to build a bridge from division and social tension to a peaceful and just future. The study is convinced that democracy, the rule of law and respect for human rights are prerequisites for the full exercise of freedom of association and collective bargaining rights. The implementation of the above mentioned ideals only is but the foundation for nation building.

This study allowed me to witness a country in deep crisis. However, I firmly believe in a positive future for Zimbabwe because of the human and natural resources that the country possesses and the fact that the post-2000 election violence did not lead to a civil war. The move towards truth, reconciliation and justice needs to be sustained, trusting that the ONHRI will contribute to this process and become a beacon of hope for the thousands in pain and disgruntlement.

The way in which reconciliation was done in the past must be improved to a situation where the national process also effect change in the individual person. Zimbabwe has been told before that let bygones be bygones and "never again" as far as the violations of the past were concerned. "Never again" requires acknowledging the past, drawing lessons from it, and putting in place measures to prevent the recurrence of past violations. All Zimbabweans should rise up, stand for, and uphold the responsibility to prevent future violations of human and trade union rights. The leadership of Zimbabwe, as they led the fight for the country's independence, are once again needed to lead to higher call by facilitating and taking the first step in acknowledgement of their

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past injustices and forgiveness. The rule of law, democracy and respect for human rights beckon Zimbabwe to higher ground. Zimbabweans expect, and deserve it.

Although it can be acknowledged that there are different roads to reconciliation as proved by the Zimbabwe's model, 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 may be called mere accident in the course of history.

This study has explored the opportunities and challenges of achieving reconciliation and national healing in Zimbabwe and how the absence of such has contributed and exacerbated the socio-economic and political crisis. Although faced by many challenges, ONHRI remains a very relevant avenue for promoting reconciliation and national healing. ONHRI was a product of a compromise agreement (GPA 2008). This study has revealed the main social and political constrains to achieving national reconciliation, possible alternative visions and pathways to the rebuilding of the Zimbabwean nation.

5.8 limitations of the Study

In this study the researcher faced the following limitations:

There was lack of funding to allow for clear and vast research investigations thereby affecting the results and the study.

There was greater need to use different research methods to understand the subject at study.

A greater and deeper field work study was not done there limiting the findings and the information gathered throughout the study

5.9 Recommendations for further study

There was a need to adapt and use triangulation research methodology in the study so as to access and improve and expand the understanding the subject at discussion. There could be a greater understanding of the need for and how other communities have reached understanding and healing in their societies.

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5.10 Conclusion

The main objective of this paper was to explore the opportunities and struggles of reconciliation in Zimbabwe through the ONHRI. The study also traced the reconciliation proceses that have occurred in the country and the findings are that it has been on paper only rather than a proper way of action and emphasise has been on white and black reconciliation leaving out the majority of the population to fend for themselves.

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