



National Healing and Reconciliation in Zimbabwe: Challenges and Opportunities

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Abstract

The purpose of this paper is to critically examine issues concerning transitional justice in Zimbabwe after a decade of politically motivated intra-conflicts. The Zimbabwean case highlights the importance of critically examining the relevance of instituting transitional justice systems with a view to making informed choices about achieving a balance between comprehensive processes of restorative justice and retributive justice systems. The paper argues that whatever form of transitional justice is chosen, there is need for a clear and credible account of the past involving acknowledgement for past violations as a process of facilitating individual and national healing and reconciliation. The paper further argues that it is only after truth-seeking initiatives have taken place, that willingness to seek justice based on people's understandings of what happened to them can be achieved. Thus, it is important that the state takes concrete policy actions to demonstrate a break with the past and build a future based on respect for human rights and rule of law.

Introduction

One of the daunting tasks faced by a society left in ruin after a period of political unrest or crisis is the rebuilding of that society. In transitional societies, the outward signs of poverty and destitution often mask the importance of rebuilding those structural social institutions that form the basis of any stable society. Often scarce resources are allocated to the repair of physical infrastructure in its many forms to the exclusion of social and spiritual souls of the same community. Roads and bridges, for example, are given priority over issues of justice and national healing despite the fact that coming to terms with past injustices is an important foundation to sustainable peace, stability and development. Often leaders fail to recognise that in order for people to come to terms with a traumatic past, a process of acknowledgement, forgiveness, reconciliation and healing is required as stepping stones that lead to the rebuilding of a viable, legitimate democracy. Accountable political systems, institutionally independent judicial systems and strong networks of civic engagement can ultimately lead to increased levels of social trust, reconciliation and collective national healing. However, before delving into an in-depth analysis of the process of transitional justice in Zimbabwe, it is imperative to provide a brief historical context in which to position this discussion.

Mapping of political violence in Zimbabwe

The history of Zimbabwe is characterised by a series of challenges which, at different turning points, manifested themselves through violent conflicts. Since its independence, the issue of achieving sustainable peace and development has remained a challenge due to a lack of comprehensive approaches to issues of human rights violations. The political events of the last decade in Zimbabwe have created challenges that have drawn the attention of both domestic and international actors. For instance, since the sporadic, violent land seizures of 2000, punctuated by the violent elections in June 2000, March 2002, March 2005 and March 2008, the ruling party and government have attracted international censure for their poor human rights record, which resulted in targeted sanctions for the ruling elite. Whilst different explanations are given for the origins and nature of the current socio-political crisis, it can be argued that Zimbabwe faces a multilayered crisis which requires multi-faceted approaches and responses.

The crisis can be viewed as a confluence of several colonial and post-independence conflictual experiences. For instance, scholars who have written on Zimbabwe (Moyo 2001; Campell 2003; Hammar, Raftopoulos and Jensen 2003) suggest that the theatrical transitions in the county's political landscape can be attributed to: the referendum that rejected the government's draft constitution; the mounting opposition to the ruling Zimbabwe

African National Union-Patriotic Front (ZANU-PF) party; the illegitimate land seizures by government loyalists; the negative response or unwillingness of the state establishment to remove the unlawful land invaders; political violence before, during and after elections and; the sky-rocketing unemployment rate due to the hyperinflationary environment.¹ By the late 1990s, as a result of the government's continued lip-service to issues of social and economic empowerment, ordinary people and workers responded through their union movements by increasingly showing a capacity for militancy and adopting political positions that were in opposition to those of the ruling elites.

In response, the government concentrated wealth and power in the ruling class and stifled popular dissent through repression and the systemic use of military force. Lacking an effective state social policy, people rose up in protest against the experienced poverty and social injustices. The state increasingly resorted to terror tactics and violence in order to maintain social control. Despite all these repressive tactics, and with the support of a disenfranchised people, political opposition rallied around left-leaning trade-union leaders such as Morgan Richard Tsvangirai and Gibson Sibanda whose nascent Movement for Democratic Change Party (MDC) sent political shock waves to the ruling government by taking half of the vote in the parliamentary elections of June 2000. This strategic alliance between party politics and trade-union politics marked a critical turning point in Zimbabwe's political and historical memory landscape.

By 2007 Zimbabwe had entered a tragic and devastating stage in its history, with enormous human, material and moral costs. The political landscape was characterised by violence allegedly perpetrated by the state-sponsored militia against political opposition groups or anyone labelled as an enemy of the state. In addition, the violent political and electoral campaigns were characterised by arbitrary arrests, detention, torture, disappearances and the deaths of political opponents and activists. Preceding these contradictory events were devastating droughts in the early 1990s and the period 2001-2002, coupled with an unsuccessful structural adjustment programme, all of which added up to the transitional challenges and socio-political complications.² Today, the Zimbabwean socio-political crisis is best described as a complex emergency because of the mosaic nature of the crisis. Thus, all these events constitute fundamental flashpoints which help give context and reflective understandings about the factors that influence the evolution and shaping of the politically-motivated violence in Zimbabwe.

However, with the help of a mediated process by the former South African President, Thabo Mbeki and the Southern African Development Community (SADC), the ruling ZANU-PF party and the opposing MDC factions signed a Global Political Agreement (GPA) on 15 September 2008. While this historic event marked the end of violent politics, it also ushered in the beginning of the many challenges involved in rebuilding the country. Thus, by signing the agreement, Zimbabwe as a nation entered another challenging process: the creation of a new era of democratic and transparent leadership, anchored in transitional justice with national healing and reconciliation as prerequisites for sustainable peace and nation building.

Perceptions about the political crisis

One distinctive feature of the Zimbabwean crisis is that the 10-year period of political violence is seldom described as an 'armed conflict' due to the latent nature of the issues that fed and sustained the crisis. Conceptualisation of the political crisis is further complicated by the fact that people's narratives, recollections or memories of the political crisis and violence are highly fractured and politicised, to such an extent that there is little consensus on what

1 Hammar A Raftopoulos B and Jensen S (2003) *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*. Harare: Weaver Press

2 Jenkins C and Knight J (2002) *The Economic Decline of Zimbabwe: Neither Growth Nor Equity*. Houndmills: Palgrave

happened, how it happened and why it happened.³ The ZANU-PF party, for example, will speak of a period of defending the nation's sovereignty because of its assumed imperialist agenda for a regime change, with a view to re-colonise the country. It is alleged that these actions were revitalised by the invigorated re-emergence of opposition politics.

On the other hand, the opposition parties present the political crisis as a social construction of years of repression by the authoritarian regime of the ruling party. In their view, the politics of exclusion and marginalisation emerged in bad governance, an inhospitable political climate embedded in corruption, bureaucratic harassment, political intolerance and the politics of impunity. Failure by the different political actors to reach a common understanding on the nature and cause of the political crisis, reflects contested interests and positions over political power.

The Global Political Agreement: Interrogating Article VII: Promotion of Equality, National Healing, Cohesion and Unity

The Global Political Agreement of 15 September 2008, signalled the end of the political crisis between rival political parties in Zimbabwe. The agreement was signed by the three main rival parties that had won the harmonised elections. The agreement represents a 'framework' that formally recognised the extent of the political tragedy and enshrined the respect of human rights. Article VII of the agreement focuses on:

7. Equality, National Healing, Cohesion and Unity

7.1 The Parties hereby agree that the new Government:

- a. will ensure equal treatment of all regardless of gender, race, ethnicity, place of origin and will work towards equal access to development for all;
- b. will ensure equal and fair development of all regions of the country and in particular to correct historical imbalances in the development of the regions;
- c. shall give consideration to the setting up of a mechanism to properly advise on what mechanisms might be necessary and practicable to achieve national healing, cohesion and unity in respect of victims of pre and post independence political conflicts; and
- d. will strive to create an environment of tolerance and respect among Zimbabweans and that all citizens are treated with dignity and decency irrespective of age, gender, race, ethnicity, place of origin or political affiliation.
- e. will formulate policies and put measures in place to attract the return and repatriation of all Zimbabweans in the Diaspora and in particular will work towards the return of all skilled personnel.⁴

An analysis of Article VII reveals ambiguity and vagueness in addressing critical human rights issues of equality, national healing, cohesion and unity. Human rights provisions are framed in general terms, which mask fundamental details of transitional justice in the post-independence period. This lack of detail and ambivalence in the content and interpretation of human rights issues to be addressed are re-emerging as controversies during the implementation of the GPA. The Article is vague on the steps that need to be taken in setting

³ Machakanja P (2006) *Political Crisis and Memory in Zimbabwe: A Case Study of Manicaland Province: 1990–2005*. Unpublished PhD Thesis, School of Social and International Development, Department of Peace Studies, University of Bradford: United Kingdom

⁴ Agreement between ZANU-PF and the two Movement for Democratic Change (MDC) formations on resolving the challenges facing Zimbabwe. 15 September 2008, Government of Zimbabwe

up structures of transitional justice during the interim period. These structures should aim to confront issues of impunity and crimes of the past in order to lay foundations for the establishment of legitimate judicial systems and democratic reforms and norms. However, as a result of this vagueness, issues of human rights violations continue to invoke controversial negotiations among the three principal political actors. The agreement also does not set a time frame for when the mechanisms and processes of transitional national healing should start. In addition, there are no provisions for an exit strategy to the process.

The critical key words of 'justice' and 'reconciliation' are missing in the article. Whilst articles 7.1(a) and 7.1(b) do state that the 'government will ensure...', this phrase evokes a sense of willingness but not commitment. Article 7.1(c), which focuses on national healing, cohesion and unity, is also stated in very vague and ambiguous terms as it lumps together conflicts from different historical periods. This lack of clarity and specificity makes the job of national healing overwhelming as the process may take decades. Such vagueness abrogates the ZANU-PF party from taking social responsibility in accounting for post-independence human rights violations. Whilst the use of 'shall' in 7.1(c) implies a sense of obligation, the use of 'consideration', implies that the new government will think about the proposed mechanisms, but will not be committed to fulfilling the obligation. Article 7.1(d) is also problematic in that it vaguely states that the new government 'will strive...'. Whilst this implies that the new government will make every effort to create an environment of tolerance, the use of a relative word such as 'strive' suggests that although they might want to create an environment of tolerance and respect, they might fail. This means that the political security of certain individuals would not be guaranteed by the state. This scepticism becomes valid, given that political tolerance as a measure of reconciliation remains contested in the political culture of Zimbabwe.

A further challenge in respect of the agreement is that the GPA is a transitional or short-term, 24-month, power-sharing agreement and not a comprehensive Peace Agreement in its truest sense. As such, one of the key mandates of the transitional government is to facilitate the making of comprehensive and radical constitutional reforms that will pave the way for a new 'people-driven' constitution within 18 months. This constitution is supposed to set a foundation for the creation of democratic spaces that will enable all parties to contest in 'free' and 'fair' elections, within a period no longer than 5 years. The logic of this framework from the perspective of all parties, including the ZANU-PF in particular is as follows. With the concept of the 'winner takes all' form of elections, this process will give due prerogative to the winner of the post-transitional government to determine the type and form of transitional justice it considers desirable. Thus the focus on political issues related to the cessation of violent hostilities and the emphasis on provision for elections founded on the 'winner takes all' principal becomes apparent.

The agreement, and in particular Article VII, fails to articulate more complex questions of transitional justice and human rights abuses in specific terms. As the agreement was essentially negotiated by political elites, issues of human rights were drafted in very obscure terms as a way of protecting dominant political groups allegedly implicated in post-independence and post-2000 human rights abuses. In the GPA, emphasis is placed on equality with regard to social and economic development (7.1(a) and 7.1(b)). Of great concern, is that the GPA is silent on amnesty issues, hence the nine months since the signing of the Inter-party Political Agreement (IPA) on 15 August 2008, and the three months since the inception of the inclusive government on 13 February 2009. Controversy surrounds the ZANU-PF's alleged continuing manipulation of power and use of coercive tactics in making unilateral decisions representing its party interests, contrary to the IPA, its preceding Memorandum of Understanding (MoU) and GPA agreements. For example, to many people, the unilateral relocation of communications responsibilities from an MDC-T Ministry to a ZANU-PF Ministry appears to signal a lack of commitment and political will to enforce the IPA and

GPA.⁵ In addition, continued controversy over the appointment of provincial governors, ambassadors, permanent ministry secretaries as well as the position of the Attorney General and the Governor of the Reserve Bank continues to entrench the transitional period with more difficulties and scepticism.

Furthermore, the inability of the new inclusive government to initiate and table bills on fundamental reforms of repressive legislative laws and review laws governing investment in sectors such as mining, or tackle corruption has prevented the required aid and investment inflow.⁶ All these events are compounded by the continued arbitrary arrests of political opposition members. For instance, since the signing of the GPA more than 30 political activists have been abducted and some remain detained under torture in police custody and maximum prisons. Thus, for a country emerging from ten years of sporadic violence, the perceived failure to deal with political detainees, the lack of police response to continued farm-related violence as well as the arrests of journalists, students and lawyers, does not send the right signal to the global community; that of a new wave of democratisation in transition. The continued impunity undermines the whole concept of inclusive power sharing and a government of national unity assumed to have been founded on the GPA's principles of social cohesion, national healing and unity. The alleged continued contravention of the GPA principles by the ZANU-PF reveals a disregard for both the rule of law and commitment to transformative change, which could be premised on the loose and misleading interpretation of the meaning attached to the concept of rule of law and the safeguarding of national and state security.

While Article VII is a step in the right direction that will hopefully lead to a full restoration of democratic justice and peace in Zimbabwe, the peace agreement is framed and interpreted in the context of strong hegemonic party politics. Perceptions are that the ZANU-PF's insistence on controlling security Ministries of Defence, Home Affairs and Communications signal an apparent pattern of partisan interests which perpetuate a minimalist viewpoint about democratic peace, reconciliation and national healing. The ZANU-PF continues to monopolise the use of the media and the police in its political campaigns by coercively presenting itself as the liberator and legitimate patron of the Zimbabwean people to whom the people remain indebted. In this way, issues of peace, security, reconciliation, national cohesion as well as healing and stability become heavily compromised and politicised.

Article VII was designed to respond to socio-political issues at a macro or national level and to resolve national political challenges with a view to restoring social cohesion and national unity. It is the needs of the nation, not individuals, that are of paramount concern in this Article. The logic of this macro perspective is grounded on the argument that the National Healing and Reconciliation Organ is a political entity born out of a negotiated political process aimed at serving national interests as enshrined in the GPA. Therefore, in the interest of the nation, Article VII precludes civil claims against perpetrators as this is likely to erode the state's limited fiscus. In addition, it is very unlikely that the ZANU-PF will endorse monetary compensation for political survivors from opposition political parties, irrespective of how genuine the claims might be. Bearing these important caveats in mind, it can be argued that Article VII does not represent an individual-friendly process but rather a politically-orchestrated national healing and reconciliation project.

Article VII points to the divergent views on the perceived 'reconciliatory compromises' claimed to have been reached through a negotiated process which, to some people, perpetuate semblances of the autocratic status quo of the old regime. According to some people, Article VII represents a flawed response to the pain and suffering experienced by those who were labelled as enemies of the state as it waters down issues of transitional justice.⁷ To this end, the lawyers of 18 MDC-T activists are suing the state for compensation

5 Bill Watch 16 May 2009

6 Bill Watch 12, 29 March 2009, Update on Legislative Reform Bills, Harare

7 IWPR 'Anger over alleged amnesty call', *The Zimbabwean*, 26 February–4 March 2009: p 24

for physical and psychological trauma suffered during their unlawful detention.⁸ Whilst objections have been voiced about retributive justice, other people are of the view that without accountability, impunity reigns. The aforementioned objections have been raised on the grounds that retributive justice may further destabilise the fragile peace agreement and obstruct a smooth transition to democracy as it is equated with vengeance. Many civil society groups in particular expect transformative change that accounts for human rights violations and abuses of power as a crucial prerequisite for democratic peace and justice.

Justification for transitional justice in Zimbabwe

Though the concept of transitional justice remains contested in meaning and form, it is usually associated with a wide range of processes and mechanisms that underpin a society's attempts to come to terms with a legacy of violent past abuses. This is because the field of transitional justice is shrouded in theoretical and ethical controversies regarding the implementation of norms and values. For example, there are disagreements over whether political transitions genuinely require a unique type of justice – such as the one that emphasises reconciliation as opposed to retributive justice – or a compromise of the two options.⁹ After a decade of gross human rights violations and the atrocities of the early 1980s, people are generally agreed that Zimbabwe needs a transitional justice system and process that would guarantee maximum accountability for the committed atrocities with a view to facilitating sustainable national healing and just peace. The argument for a just transitional process is premised on the argument that families and relatives of those who disappeared need to know what happened to their loved ones and have a sense of who is responsible.

There are also strong views that the alleged corruption, violence and political murders of the past ten years as well as the massacres of the early 1980s cannot simply be swept under the carpet under the pretext of preserving national cohesion and unity during the transitional period. Claims are that perpetrators of the worst abuses must be brought to justice, and if individuals are to be forgiven, it must be done publicly as part of a transparent truth, justice and reconciliation process. The central objective of the proposed transitional justice is the search for social, economic and political accountability at the individual, community and national levels. The general perception is that the transitional justice process should be seen as an instrument that holds individuals, public and private institutions as well as officials who may have been responsible for the injustices and human rights violations accountable. The latter are responsible either because they directly caused harm, contributed to the creation of a climate of hate and repression or failed to take appropriate steps to prevent direct violence from occurring. There are different views as to whether such processes of justice should involve retributive or restorative justice mechanisms, with many opting for a combined process that includes individual prosecutions, reparations, truth-seeking, acknowledgement, forgiveness and institutional reforms. This process is justified on the basis that peace without justice is not sustainable, just as justice without durable peace remains elusive. Also, as Hizkias Assefa argues, 'justice may be a necessary but not sufficient condition for reconciliation'.¹⁰ Many people in Zimbabwe do not yet seem to have reached a consensus on whether the unique economic, social and political features of this transitional period legitimately demand a response to past human rights crimes that favour reconciliation or retribution.

Thus, while claims for transitional justice date back to colonial times, it is generally agreed that the policy of National Reconciliation, as espoused after independence, lacked practical substance, since it did not seek to address the abuses that occurred before 1980 in a structured and comprehensive way. Equally, memories of the Gukurahundi campaign of the early 1980s

8 Mhara H (2008) 'Poll violence victims demand compensation', *Zimbabwe Independent*, March 20–26: p 5

9 Graybill L (2002) *Truth and Reconciliation in South Africa: Miracle or Model?* Boulder: Lynne Rienner

10 Assefa H (1998) 'The Meaning of Reconciliation', in *People Building Peace 35 Inspiring Stories from Around the World*, European Centre for Conflict Prevention

left permanent scars in the Midlands and Matebeleland regions of the country. The elections of 2000, 2002, 2005 and 2008 were all conducted in a violent environment in which many people were killed or maimed, whilst the perpetrators evaded justice.¹¹ With this backdrop of traumatic events, the process of transitional justice should be grounded in a sound, ethical value system of reason aimed at resolving deeply rooted racial, political and ethnically-motivated divisions which continue to fuel human rights violations in society. A transparent transitional justice system should: contribute to the healing process for victims, perpetrators and witnesses; determine legal accountability; and / or establish a historical memory of the atrocities as a process of educating future generations. At an institutional level, the proposed transitional justice should provide a clear and transparent framework that focuses on the restoration of the rule of law and security-sector reform through the upholding of human rights aimed at achieving democratic peace.

In the context of democratic peace and justice, robust democratic institutions and civil society organisations have a critical role to play in monitoring and evaluating the national healing and reconciliation process as a way of safeguarding against corruption and further human rights abuses. In this context, Zimbabweans recognise the urgency for constructive national dialogue at all levels, aimed at developing a new binding democratic constitution that paves the way for citizens to freely associate and participate in democratic election processes. Thus, robust government and non-governmental institutions that operate independently of political pressures should be created and empowered to address corruption and accountability in the inclusive government. Whether the process is internally or externally driven, it can be argued that where peace processes focus exclusively on power and political elites, regional and international representatives may be the only participants to impartially raise a human rights agenda. In the case of Zimbabwe, continued external and internal pressure becomes vital in raising awareness on the need for a home-grown transitional justice process. Therefore, in order to understand the notion of transitional justice in the Zimbabwean context, it is imperative that a synopsis of a visionary agenda on reconciliation be given.

Agenda for the reconciliation and national healing process in Zimbabwe

The process of developing a framework and legislation for national healing and reconciliation in Zimbabwe remains fairly open on paper, whilst it appears to be devoid of a coherent, inclusive, consultative and participatory guided process. Whilst a number of local, regional and international conferences on national healing and reconciliation involving civil society have generated widespread and robust public debate about the key issues, at the time of writing this paper there had been very little progress made in trying to engage institutions such as parliament in debate that will pave a way in formulating reconciliation and national healing policies and legislative bills.

There is no dispute that Zimbabwe's accumulated history of socio-political oppression, repression and ongoing trauma has had a profound and continuing effect on different categories of people in society. In responding to these, a range of individuals and organisations are deliberately or unknowingly working on a variety of strategies that can be an important part of the Zimbabwean national healing and reconciliation project. The work ranges from one-to-one dialogue with victims and perpetrators, to community-based activities on raising awareness as informed by the political environment. For example, in certain rural communities, victims and perpetrators have been coming together – sometimes at the behest of perpetrators feeling the need to confess and pay their dues – through the rebuilding

¹¹ Machakanja P *Ibid.*

of destroyed homes, returning of stolen goods and conduction of healing ceremonies.¹² Seminars, conferences and training programmes are emerging which are aimed at helping the Zimbabwean people come to terms with a traumatic past through the promotion of 'truth-telling' and transitional justice.¹³ These initiatives provide a useful complement to more formal processes envisioned in the GPA.

However, whilst efforts are being made to address the issues of national healing and reconciliation, contested viewpoints continue to emerge over the construction and ownership of the national healing, social cohesion and unity project as legacies of political violence are being challenged at local, national, regional and international levels. Emerging viewpoints suggest that debates and analyses should depart from a simplistic understanding of reconciliation as a linear process that automatically moves from individual trauma to national healing. Instead, the majority of people are looking for reconciliation and national healing initiatives that highlight an interplay between state-orchestrated initiatives such as the National Healing and Reconciliation project, individual-orientated and community-based programmes.

Government of National Unity (GNU) Initiative on National Healing and Reconciliation

Since the signing of the Global Political Agreement between the ZANU-PF, MDC-T and MDC-M formations, there have been moves to promote national healing and reconciliation with a view to rebuilding the country. A summit to explore ways of reconciling Zimbabweans divided by almost a decade of political violence between the two main rival political parties was held in April 2009. The ZANU-PF chairman John Nkomo, MDC-M vice president Gibson Sibanda and Sekai Holland from the MDC-T were appointed as Ministers of State responsible for National Healing and Reconciliation.¹⁴ This GNU's position on reconciliation and national healing represents what many see as an acknowledgement and endorsement of the adoption of the need for some form of transitional justice in Zimbabwe. Recognising the sensitive nature of the reconciliation and national healing project, the mandate of the tripartite team is to come up with a policy framework that will be presented to the council of ministers for debate, approval and ratification into an act and bill.

However, despite these efforts, there are arguments as to whether the national healing and reconciliation project should be led by politicians, given the politics of partisanship that have characterised the political landscape of Zimbabwe since its independence. For example, informed by the South African and Rwandan experiences, arguments by some church alliances are that because issues of national healing and reconciliation are embedded in moral obligations, the church or church-based independent organisations can claim 'moral authority' and 'legitimacy' to lead the National Healing and Reconciliation process, as politicians are viewed as not having the moral integrity to remain neutral and / or separate national issues from party political agendas.¹⁵ Some of the church alliances interpret this as a process of bringing victims and perpetrators together, culminating in acts of forgiveness. Others argue that the victims may need restitution or restoration, while still other voices strongly believe that traditional structures need to be engaged as far as possible, since healing and reconciliation represent the creation of social spaces and places where people are bound together as a collective community. To those arguing for the inclusion of traditional mechanisms in healing and reconciliation, they see their role as that of creating

12 Personal conversations with an officer from the Center for Counselling Services Unit in Harare

13 See Center for Peace Initiatives in Africa, <http://www.cpia.org/programmes>

14 Tapuwa B (2009) 'Horrendous task for Zimbabwe's Healing Organs' p 1-9, Retrieved 10 April 2009 from <http://ZimEye.org.publicationsources.com/pages.html>

15 Personal consultations with Mr Merwyn DeMello of the Counselling Services Unit, Harare

cultural social spaces that would accommodate both victims and perpetrators in facilitating the acknowledgement of wrongs and the validation of the experienced pain and loss, with a view to achieving the mutual coexistence of all affected parties.

On the other hand, calls by political activists and other civil society organisations reiterate the need for the transitional government to take a facilitative role, but not lead in implementing the programme of action on past human rights abuses if a repeat of violation of people's rights is to be avoided. Some argue for retributive justice against perpetrators of human rights violations as part of the political and restorative reform process. For some, the proposed national healing and reconciliation process represents a waste of time and effort, given the continued environment and context of political insecurity in which the GNU is not seen as a genuine inclusive power-sharing government.¹⁶ These people argue for a national directive that endorses qualified independent actors to facilitate the national healing and reconciliation process. For them what is necessary is an assurance that there would be a secure environment for victims and perpetrators to rebuild community relationships of trust. This kind of ambivalence and suspicion on those who lead the national healing and reconciliation process lies at the heart of the challenges facing many Zimbabweans, given the enormous pain and deep-rooted animosity among members of the main rival political parties.

The multi-layered nature of trauma

As people move away from the fields of violent politics and fractured histories, we can see the continuing effects of the political violence period in the daily lives of the Zimbabwean people. Poor economic performance, exacerbated by the alleged government-sponsored violent political instability, has manifested itself in chronic human insecurities. To outsiders, it is often difficult to appreciate what the political instability in Zimbabwe translates to in human terms. For the majority of Zimbabweans, the socio-political instability means: increasingly inadequate diets; lack of income; forced displacement and destitution; lack of basic necessities for survival such as clean water, electricity to light homes, firewood to cook food, and mounting susceptibility to preventable diseases such as cholera leading to both high infant and adult mortality rates. While HIV and AIDS continue to pose the greatest threat due to the collapse of the health system in Zimbabwe, the devastating effects of the epidemic are myriad. The epidemic has not only eroded economic development, educational attainment and national health, but the whole social fabric. The negative effect of HIV and AIDS ranges from the loss of large numbers from the economically-active population, the creation of an uneducated generation of children who lack competitive skills (as most AIDS orphans drop out school to play adult roles as caregivers and heads of households) and the national cost of treating and caring for victims has made the Zimbabwean political crisis a complex emergency.

The net effect of these vulnerabilities has been a high prevalence of mental and stress-related illnesses including many chronic cases which continue to threaten the ability of many people to cope with everyday problems. As children grow up with chronically ill or mentally stressed parents, they are far more likely to become depressed and abusive themselves, creating vicious cycles with consequent social implications. Until now, ordinary Zimbabweans have relied on their instinct for survival as a means of healing. But many of these problems have undoubtedly been aggravated by the glaring lack of a comprehensive approach, not only to the provision of adequate treatment services or facilities, but also to the acknowledgement of the magnitude of the problem. The hatred, fear, prejudice and racism engrained in people's lives by hostilities of the violent political conflict means that its transformation must be rooted in social-psychological and spiritual dimensions of healing.

¹⁶ *Ibid.*

The biggest challenge however, for any healing process, is that unless the problem is acknowledged by the ruling elites, Zimbabweans will continue to deal with the mental effects of the political violence in an ad hoc and unsustainable fashion. As such, the work being done by some public and private health sector organisations and emergent psychiatric and counselling units in promoting justice, psychological relief and reconciliation, represents an important step in facing up to the challenges of a traumatic past, albeit challenging and costly.

The story of reconciliation in Zimbabwe

Historical memory traces the process of reconciliation in Zimbabwe to 1980 when the then Prime Minister of Zimbabwe, Robert Mugabe extended a hand of reconciliation to the main rival political party, the Rhodesia Front, that was involved in the war of liberation. As such, it can be argued that the notion of reconciliation is not new to most Zimbabweans, as the process began in 1979 with the Lancaster dialogue between all conflicting parties. Having won the elections in April 1980, Robert Mugabe extended a hand of reconciliation to the white settlers in exchange for positive peace and the promise of external foreign aid to rebuild the war-ravaged country. Since then, the process has gone forward through a number of contested political 'nationalist encounters' at critical turning points, most notably the signing of the historic Unity Agreement between ZANU and ZAPU into the ZANU-PF in December 1987, and now the Global Power-Sharing Agreement between the ZANU-PF, the MDC-T and MDC-M. These negotiated peace processes were couched in reconciliatory amnesty measures.

One is reminded of the Clemency Order of 1988 following the Unity Accord of 1987, which pardoned all human rights violations committed by political parties between 1982 and 1987. This was followed by the 1995 presidential amnesty, which pardoned all politically-motivated violence perpetrated during the 1995 general elections. This set further precedent for the Clemency Order of 2000, which pardoned politically-motivated violence and human rights violations committed during and after the parliamentary elections of June 2000. Those opposed to these amnesty policies argue that they are political acts which negate the achievement of durable peace through justice. However, one key question that arises from these peace and reconciliatory efforts is the extent to which these amnesty policies and reconciliation processes constitute a cumulative movement toward national cohesion, national healing and unity.

Scholars such as Kriesberg (1997) and Lederach (1997) focus their attention on the process and substance of reconciliation and point to the primary necessity of an expanding, social space where conciliatory action, whether at a national or local level, can unfold. Secondly, they argue that a balance must be struck between the desire to reconcile, to reunite and to accommodate with a view to settling differences. Thirdly, is the need to analyse the insistence on truth-telling concerning injustices committed on all sides as a way of establishing the historical facts of prior injustices. Of interest here is an analysis of the status and relevance of these basic factors in the Zimbabwean situation.

In the context of Zimbabwe, it can be argued that debates on how to define and proceed with reconciliation will intensify as social spaces expand. This is due to the fact that the case of Zimbabwe is rather complex because the human injustices are viewed to be of great magnitude. The extent and degree of human rights violations has serious implications on the meaning attached to reconciliation and national healing. However, despite the lack of definitional consensus, the importance of reconciliation remains unquestionable.¹⁷ People hold different assumptions, perceptions and viewpoints about what reconciliation entails,

17 Assefa H (1998) 'The Meaning of Reconciliation' *Conflict Research Consortium*, Retrieved 16 March 2009 from <http://www.colorado.edu/academic/publications/pqp.html>

who should be involved and how. In the context of Zimbabwe, reconciliation would need to be broadly conceptualised as a dynamic, inclusive, multi-dimensional¹⁸ adaptive process aimed at rebuilding and healing society; a process of change and redefinition of social and political relationships.¹⁹

For example, some would argue that if divisions within a nation are viewed as non-racial, non-ethnic and apolitical, then there would be less animosity between conflicting parties. However, because reconciliation in Zimbabwe resonates with the dissolution of conflicting identities, rule of law and the guarantee of human rights grounded in racial divisions and political polarisation, some people are of the view that insisting on repentance and amnesty alone would encounter difficulties. Opponents claim that amnesties encourage a culture of impunity and revenge that undermines the rule of law.

Envisioning a framework for the reconciliation and national healing agenda in Zimbabwe

The first question that needs to be asked is what and who needs reconciliation and healing? Whilst wrongdoers and victims or survivors will have different answers to this question, this paper argues that reconciliation should aim at addressing the most obvious human rights abuses and the root causes of the conflict, focusing on land rights, property rights and civil and political rights. Arguments are that the success of any reconciliation and national healing model would depend on the extent to which it is inclusive and consultative of all key stakeholders at all levels of society. Related to this question is whether reconciliation and healing are the best ways to address the human rights abuses, or whether other means such as legal action should rather be adopted.²⁰ One possible answer is that the choice between pursuing justice and opting for reconciliation is not an easy one, as this depends heavily on circumstances. For example, the Zimbabwean situation where some of the people perceived to be perpetrators of human rights violations continue to hold power or are in strategic positions that obstruct the advancement of the envisioned reconciliation and national healing process. Given this situation, though deeply regrettable from a moral point of view, restorative reconciliation may be the only realistic option. Those who support this view argue that in such contested situations, reconciliation processes can help society to turn the page and bring people closer together as the justice system might not be able to deal impartially with the gross human rights violations.

The third question is *why* reconciliation and healing are needed. This requires an understanding of the underlying causes of the conflict and the violence that manifest from it, the means used to resolve the conflict and whether the process was viewed as political or judicial. How did people react to these means? Were there feelings of suspicion that something was missing? One fundamental aspect required under this rubric is an assessment of the conditions under which a fractured society like Zimbabwe can opt for trials and prosecutions by a truth commission. To answer these questions in the context of political polarisation, one is cautiously tempted to argue for restorative justice over retributive justice, on the basis that prosecutions of the gross human rights violations could seriously jeopardise the fragile GPA and, most importantly, the reconciliation and healing at individual, community and national levels. The bipolar nature of trials that distinguishes the innocent from the guilty makes them not only inappropriate for redressing the systemic human rights abuses, but

18 Chapman A R (2002) 'Approaches to Studying Reconciliation', in Bloomfield D *On Good Terms: Clarifying Reconciliation*. Berghof Report No 4, October 2006, p 6

19 Lederach J P (2001) 'Civil Society and Reconciliation', in Crocker C A Osler Hampson F and Aall P (eds) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: USIP, p 841–854

20 Pindai D (2009) 'Human rights group dismisses "national healing" Ministers', *The Zimbabwean*, 26 February – 4 March 2009, p 17

also controversial.²¹ In this regard, what is of importance is ensuring the existence of an inclusive and consultative approach which allows all segments of society to take part in the process. Such a process should also be seen as a way of helping people come to terms with the traumatic past.

The fourth question is about appropriate means of reconciliation and healing and the consequential implications inherent in each strategic process. Central to this are key questions such as: Who are the actors and institutions most likely to promote inclusive and transparent reconciliation and healing processes?; What are the potential entry points to the reconciliation process - individual and community versus national levels?; What kind of reconciliation does each of the proposed processes and mechanisms bring to the reconciliation process?; Is the issue of Zimbabwean sovereignty a hindrance to holistic accountability of the past and present atrocities?; That is, would the notion of presenting the liberation struggle and the liberators as a triumph of national independence be problematic to the healing and reconciliation process?; Equally, would the notion of non-interference be so bound up with national pride that inclusive involvement of even the UN would be unacceptable in the reconciliation and national healing project? These questions call for an analysis of the hegemonic powers which might have responsibilities in the alleged human right abuses but still be capable of blocking processes of restorative truth-telling and healing.

In Zimbabwe one critical factor which comes into play when considering issues of sovereignty and non-interference is the role of the international community in facilitating transitional justice. This paper argues that in the absence of a broad-based international involvement, the parties to the conflict may be limited to the option of trading justice for reconciliation and peace as a way of avoiding continued violence. Those who support the discourse of non-interference argue that in most cases, international actors do not speak with one voice as they have their own interests and agenda regarding transitional justice processes. In the case of Zimbabwe, those who oppose the involvement of the international community in the transitional justice process argue that their agenda is limited to regime change by undemocratic means. There is also the view that long-lasting reconciliation and peace needs to be home-grown in the sense that every stage of the reconciliation process should reflect the will of those who are directly concerned with regards to participation, decision making and the implementation of the reconciliation and national healing project.

Whilst such questions are open to debate, past cases have shown that the involvement of the UN or SADC has been successful in cases where social and political spaces are constrained and world concern over the situation of human rights violations and human security were high and persistent. Furthermore, most post-conflict societies lack the necessary resources to initiate substantive reconciliation efforts; hence, outside assistance can be extremely helpful as a source of finance and expertise in bringing local, regional and international actors together to support reconciliation and peace initiatives.

Necessary conditions for successful reconciliation and national healing

For national healing and reconciliation to achieve the desired objective of uniting the fractured social and political groups, certain factors must be present.

1. **Legislative Reform:** This would ensure that the concerns of all Zimbabweans are assuaged. The process of recommending specific services to deal with the particular and extensive effects of trauma and grief requires secured legislative backing through the setting up of the National Healing and Reconciliation Commission. The National Healing and Reconciliation Commission would have to be secured

21 Walsh B (1996) 'Resolving the Human Rights Violations of a Previous Regime', *World Affairs* 158, No 3: 111–122

by a bill passed through Parliament and enacted into an act of law. Such an act would allow the commission the discretion to: establish the time periods to be covered by the Commission's investigations; determine the nature of human rights abuses to be investigated; determine the social and economic effects of the abuses including recommending preventive and health promoting approaches, assessment, counselling, healing programmes and community interventions. The quality and credibility of the work of the Commission and the legitimacy of its outcomes would largely depend on how independent it is and the calibre of the Commissioners.

2. **Political will:** Raking past atrocities and human rights abuses is an excruciating exercise. If badly managed, the exercise could backfire, and further widen the chasm in an already politically-fractured nation. Indeed, this fear often deters the introduction of 'just' reconciliation processes where victims feel a genuine sense of satisfaction over the claimed entitlements. Hence, the political will to promote genuine reconciliation is paramount.
3. **Transformative and restorative justice:** This is based on a theory that emphasises healing and the transformation of harm to the wholeness of people's lives. Emphasis is on repairing harm caused or revealed by criminal behaviour and is best achieved through cooperative processes that include all stakeholders. The fundamental principles are that justice requires that different categories of people work to restore those who have been injured and that those most directly involved and affected should have the opportunity to participate fully in the response programme. The role of government would be to preserve a just public order as well as secure and safe social and political spaces, while the role of the community would be to build, nurture and maintain a just peace. Such collaborative encounters would create opportunities for victims/survivors, offenders and community members to discuss their personal experiences of atrocities and their impact and opportunities for meaningful contribution in their own lives and society.
4. **Civil society engagement:** A successful national healing and reconciliation process requires meaningful engagement of civil society and the public at large. This is because a process aimed at responding to people's needs must necessarily involve the people affected by the conflict, especially at grassroots level. In this context, civil society organisations can play a vital role in monitoring the implementation of the reconciliation and healing processes. In this way, their work can give greater legitimacy to the healing process, thereby reinforcing the principle of bottom-up approaches which guarantee sustainable and transformative peace. On the other hand, lack of citizen participation and consultation diminishes the crucial elements of openness and ownership of reconciliation and healing processes. Empirical evidence shows that where peace agreements are exclusively negotiated by political elites, human rights issues tend to be drafted in general terms, as the Zimbabwe case has shown.
5. **Consensus building:** It is essential to achieve widespread agreement on all aspects of national reconciliation. The process must be devoid of partisanship with those favouring and opposing a formal reconciliation process exhibiting political tolerance. Consensus and legitimacy of the outcome of the national reconciliation exercise will be enhanced where the government, human rights organisations and other interest groups work together to develop the framework and other key aspects of the national healing and reconciliation project.
6. **Truth-telling:** True reconciliation cannot occur when the truths about past wrongs are not told. Truth-telling encourages the verification of past repressive actions and incidents by individuals and government. The process may also challenge stories widely, but inaccurately, circulated in the public domain as rumour. Knowledge of the truth helps to set the record straight and creates an environment where forgiveness may occur. As the South African Truth and Reconciliation Commission revealed, the value of telling one's traumatic story to a supportive audience provided a significant

sense of healing to the survivors of apartheid.²² In this sense, the right to be heard and acknowledged with respect and empathy can contribute to a process of healing. Remembrance becomes the beginning of reconciliation and national healing. The argument here is that any type of reconciliation that does not seek to discover the truth is bound to damage the desirable goals of forgiveness and unity. However, truth-telling can also be painful for victims and instil paranoia among perpetrators as it is highly subjective, thereby raising the question as to whether truth does indeed lead to reconciliation and healing.

7. **Education for national healing and reconciliation:** There is a need to educate the general Zimbabwean community about the experiences of trauma and grief as well as their extent and effect on women, men, children, the elderly and the disabled. There is also a need for re-education on how communities that have experienced violent conflicts can coexist in peace and harmony. Educational programmes should be linked to processes of trauma-healing and reconciliation and should be acknowledged by the wider community, as affirmation of a public commitment to the broader healing process agenda.
8. **Research on trauma and grief:** The centrality of the experiences of trauma and grief for the Zimbabwean people mean that these aspects should be informed by participatory research aimed at assessing the level of distress and disorder among the people. Issues of grief and bereavement as a result of violence and how these impact on people's wellbeing would be central to a holistic healing process.
9. **Counselling for trauma and grief:** The availability of counselling services to help Zimbabwean people deal with their experiences of trauma and grief as well as specific counselling to do with particular situations is important. Examples of such situations include those that are consequent upon abduction and disappearances, deaths in custody as well as forced separation of children from parents and guardians. Counselling formats would need to be specifically developed in holistic and culturally appropriate ways to deal with longstanding, past or profound traumatic experiences. Other useful indigenous initiatives include narrative therapy and family therapy in which affected people tell their stories about the violence and its consequences on themselves and family members. As part of indigenous reconciliation dialogues, these processes will help the younger generation understand what their parents and grandparents lived through as well as assist in the rebuilding of fractured societal relationships. Such therapeutic formulations are of particular value and relevance to the Zimbabwean context because of the special expressive nature of the people.
10. **Special healing places and community intervention programmes:** It is suggested that there could be value in the development of special places of healing such as trauma healing centres and special nature parks where people can visit as part of the relaxation and therapeutic process. It is proposed that people could visit and stay at such recreational places as part of the healing process. These recreational healing places could be developed with supportive programmes where people undertake community-based, skills-orientated training programmes relevant to the development of their communities. Such promotional projects would strengthen sustainable peace by furthering social investment and the unification of the social fabric of society. Thus, peace through community reconciliation, engagement and empowerment can yield powerful results.
11. **Memorialisation and ritualisation:** Taking cognisance of the cultural context of the Zimbabwean setting, memorialisation of the past is important. This would require physical reminders in the form of monuments, ceremonies, memorials or other ritual occasions aimed at contributing to the acknowledgement as well as the setting of a

22 Hamber B (1999) 'Past Imperfect: Strategies for Dealing with Past Political Violence in Northern Ireland, South Africa and Countries in Transition', Paper presented at the Conference on the Truth and Reconciliation Commission: Commissioning the Past. University of Witwatersrand, 11–14 June

general ethos of healing. Museums at the local level can further the objectives of the state with respect to creating a historical narrative and furthering national identity. Local museums can also be used as sites for community gathering, commemoration, cultural celebrations as well as educational activities for the younger generation. The effectiveness of memorialisation processes may further be enhanced through regional and international networks which support local activities.

12. **Funding:** One factor that often hinders the progress and success of reconciliation and national healing projects is funding. Reconciliation exercises are not only expensive, but time-consuming, emotional ventures that demand patience and resilience. Furthermore, apart from the operational budget, reconciliation must also have a human face. Words must be accompanied by actions such as restitution and compensation, but failure in most national healing and reconciliation projects has been attributed to lack of resources.

Conclusion

This paper has explored the dynamics and the challenges of reconciliation in the context of the political crisis in Zimbabwe. Central to the discussion has been critical analysis of Article VII of the Government of National Unity. Informed by the different perspectives on transitional justice, the paper examined the role and relevance of transitional justice as a way of coming to terms with a traumatic past. One of the central arguments was that in the context of Zimbabwe, transitional justice approaches such as national healing and reconciliation can be points of departure for a process of transformation towards a civic culture that would fulfil rather than frustrate people's needs such as human rights and sustainable peace. The paper concluded that whilst retributive and restorative justice systems have their merits and demerits, there has to be a proper consideration with a view to moving the country forward amidst the specific circumstances in which it finds itself. Zimbabwe needs to realise that national rebuilding and the creation of functional democratic institutions and systems cannot take place if the population remains deeply divided along political lines and human relations are plagued with fear, mistrust and suspicion. If fear and human insecurity are burdens of the past, then these creates obstacles to the envisioned goal of reconciliation, national healing, social cohesion and nation building.

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