

**CHURCH AND CIVIL SOCIETY FORUM DISCUSSION PAPER**  
**ON:**  
**NATIONAL HEALING AND RECONCILIATION IN ZIMBABWE IN THE WAKE**  
**OF THE GLOBAL POLITICAL AGREEMENT (GPA)**  
**&**  
**THE GOVERNMENT OF NATIONAL UNITY (GNU)**

*Commissioned by NANGO on behalf of the Church and Civil Society Forum*

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## 1.0 Executive Summary

Article 7 of The Global Political Agreement signed on 15 September 2008 by Robert Mugabe of ZANU (PF), Morgan Tsvangirai of MDC-T and Arthur Mutambara of MDC-M, has the provision for "...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".

In that regard, the response by the Church and Civil Society Forum (CCSF) in Zimbabwe has been characterized by urgency justified by their moral mandate to be active in discussions and processes of concern to their constituency; the people of Zimbabwe. This paper is a result of nation-wide consultations with various Civil Society Organisations (CSOs) from different thematic sectors and Churches. It seeks to mobilize the thoughts, feelings and expectations of CCSF from across the country in the development of a strategic approach to national healing and reconciliation. This discussion paper aims to assist in developing a framework for national healing and reconciliation taking into cognizance previous and current submissions by thematic and lead CSOs and Churches. The consultations produced a conflict map, based on the definition of the conflicts that have ensued across the country, in different locations, times contexts. A general matrix was developed from this input and the conflict definition from the surveys was computed. The results revealed that the respondents identified the following as conflict points in the Zimbabwean context;

- a) Political violence not just from 2008 but stretching back to 1980 and beyond
- b) Gukurahundi,
- c) Security sector abuses
- d) "Murambatsvina",
- e) Events around land reform,
- f) Judiciary system biases
- g) Economic meltdown – mismanagement of the economy and rampant corruption.
- h) Gender-based vViolence

i) Chiadzwa diamond fields activities

It was important to start the investigation with the definition of the conflict at hand and to establish consensus on the definition.

In relation to the question about the time period to be addressed in a formal national healing and reconciliation process, concurrence was that pre-colonial, colonial, pre-independence and post-independence eras should be discussed. It was felt that unhealed wounds of both society and individuals might continue to fester long after the human rights violations. Participants agreed that historical violations and concomitant impunities created the foundation for human rights abuse as well as for ethnic and racial divisions experienced in subsequent decades. But it was seen as crucial to determine how practical and in what feasible time-frame historical injustices could be addressed.

The causes of conflicts in Zimbabwe were found to be structural. Structural causes were the deeply-embedded issues of systemic influence. They were identified as electoral, governance, economic, legal and security systems. The effects of the identified conflicts were also explored and these were found to be inclusive of;

- a) *Internally Displaced Persons (IDP's)* – those who had to leave their natural dwellings due to the conflicts
- b) *Trauma* – both victims and perpetrators were traumatized by the conflict experiences
- c) *Loss of livelihoods*
- d) *Loss of homes and shelter*
- e) *De-humanizing acts* – acts of rape and loss of dignity
- f) *Deaths*
- g) *Inter-tribal relations* – some of the conflicts e.g. pre-colonial wars or “Gukurahundi” which resulted in tribal tensions.
- h) *Impunity* – those who were politically protected continued to inflame the conflicts over stretched periods of time.

- i) *Insecurity* – many citizens of Zimbabwe became insecure due to the conflicts
- j) *Elitism* – the conflicts (especially those that benefited persons linked to top politicians) produced a group of elites who had exclusive economic privileges.

In developing intervention mechanisms and recommendations for national healing and reconciliations the contextual background had to be considered. This background was characterized by the Global Political Agreement, the governance structures and conduct in the new unity government, the continuation of political violence, the existence of the Organ for National Healing and Reconciliation, the state of the Judiciary and the security sectors. This background informed the emerging issues from the nation-wide consultations. Under emerging issues, there was a general agreement that the overall healing process must not be led by politicians, the government or the Organ for National Healing and Reconciliation. These entities were felt to have vested interests in the process as they were composed of either perpetrators or victims who might need healing as well. The consultations also highlighted the need for the Organ to play a facilitating, logistical and policy-linking role, while an independent Commission led the process. The National Healing and Reconciliation Process would also have to link with other reform processes e.g. the Constitutional Reform Process, the call for Judiciary, Security Sector and general institutional reforms needed for the democratization of the Zimbabwean landscape. The full implementation of the Global Political Agreement was also highlighted as a pre-requisite to national healing and reconciliation otherwise all efforts would be sub-prime.

The participants also called for the decentralization of the national healing and reconciliation processes, starting with CCSF commissioning region-specific discussion papers that would be led by consultants and persons from within the regions. Centralization of such a critical process was seen as imposition of ideas, perceptions and notions from Harare-based organizations. As such the participants wanted to run and be involved in processes that pertained to their own regions. A central mechanism could thus be established for purposes of coordination only rather than implementation. The regions also expressed the need to develop a credible national healing and reconciliation process that was not tainted with political connotations, biases and patronage. In their submissions, it was noted that the process must be able to engage all sides of the conflict's divide without favor and prejudice. The need to identify impartial peace builders was highlighted against the temptation of picking on political activists to lead the process. There were also sentiments on the need to critically understand the true history of Zimbabwe in order to trace

the root causes of the manifest conflicts. This history could therefore be used for genuine engagement of all persons, organizations and communities that were involved in the shaping of current events and realities in the country. Such engagement was to be undertaken with the intention to understand the conflict without premeditated judgment and political insinuations.

Transitional Justice was identified as the hallmark of national healing and reconciliation. Transitional Justice basically outlines mechanisms and processes that seek to redress past violations of conflicts and the creation of a sustainable protective framework against future recurrence. In light of this definition, the survey concluded that transitional Justice is a necessity. However the timing for transitional justice needs to be wisely and strategically crafted in consideration of the context of Zimbabwe's realities. In that light it was felt that preparations for transitional justice should be undertaken from the onset. However full implementation was only possible once the GPA was fully applied or when a substantive and elected Government was in office. It was felt that the CCSF needed to be expanded, institutionalized and then operationalized. Its stakeholder base was to be widened to include other sectors such as labor, business and traditional leaders. It was noted that CCSF needed a permanent structure, which would allow it to operate as an institution. It was further recommended that the expanded and institutionalized CCSF should seek to implement immediate interventions for victims of conflicts and violence. This would be done under programme with such thematic frameworks as; *trauma healing and counseling, livelihoods support, re-integration of displaced persons, emergency relief, civic education, systematic counseling for political leaders and peace-building.*

Under civic education, the CCSF needed to undertake massive and nation-wide sensitization on national healing and reconciliation. Zimbabweans needed to be informed of what was happening and what was expected. Some people in remote areas were still unaware of the full guidelines of the Global Political Agreement and its off-shoot processes such as Constitutional Reform and the National Healing Processes. CCSF could utilize civic education programs to inform and create awareness in the wider populace of such processes.

It was also recommended that the CCSF lobbied for the formation of an independent Commission (National Healing and Reconciliation Commission). Advocacy structures to lobby for judicial, Security Sector and institutional reforms which are pre-requisites for Transitional Justice were to be put in place. As the Commission pursued this agenda it would also lay groundwork for transitional justice once the democratization and reform processes were in motion.



The paper also briefly comparatively looked the Truth and Reconciliation Commissions in South Africa, Australia, East Timor, Sierra Leone, Peru and Guatemala (chosen based on the justification given later in this paper). As much as the national healing and reconciliation process in Zimbabwe has to be home-grown, it was felt that the experiences in other countries during transitional phases could help to shape our own processes.

This paper is by no way final. It provides a platform for the discussion of the critical issue of national healing and reconciliation by capturing the views of CCSF. More comprehensive, technical and grassroots-based researches and engagements are needed to shape and inform the implementation stage of national healing and reconciliation.

## **2.0 Country Context**

### **The Post-Independence National Reconciliation Framework**

During his inauguration as the first Prime Minister of independent Zimbabwe in 1980, Robert Mugabe remarked:

“If yesterday I fought as an enemy, today you have become a friend and ally with the same national interest, loyalty, rights and duties as myself. If yesterday you hated me, today you cannot avoid the love that binds you to me and me to you. Is it not folly, therefore, that in these circumstances anybody should seek to revive the wounds and grievances of the past? The wrongs of the past must now stand forgiven and forgotten.”<sup>1</sup>

This speech set the tone for national reconciliation against a tense historical background of the liberation war. In that regard, the three major warring armies (ZANU’s Zanla, ZAPU’s Zipra and the Rhodesian army), formed a single national army upon the attainment of independence. The economy of Zimbabwe stabilized and social investment increased dramatically. The number of students in primary and secondary schools increased by <sup>2</sup>332% between 1979 and 1989, Fay Chung considered this as <sup>3</sup>“the biggest development of majority government”. The child mortality

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<sup>1</sup> <http://www.kubatana.net/html/archive/demgg/070221rm.asp?>

<sup>2</sup> Diana Auret, *A decade of Development* (Gweru: Mambo/CCJP, 1990), 17

<sup>3</sup> Fay Chung, “Education: Revolution or Reform”, *Zimbabwe’s Prospects*, 121

rate was at <sup>4</sup>100 – 150/1000 in 1980 and was significantly reduced to 46/1000 by 1989 while child immunization increased by 80%. The economy performed well into the 1990's.

During this time, political pluralism in Zimbabwe was limited, as Zanu (Pf) had pushed for a one party state establishment. The 1990's however started to see a decline in economic growth and stability which was propelled by failure of the economy to generate foreign currency. The agricultural sector, which had also become the mainstay of the economy, also started to decline in the wake of reduced government subsidies. The year 1997 was a landmark as sharp economic decline was realized. The HIV and AIDS pandemic also started to pick up sharply within this period and affected the productive population of the nation. The economic meltdown resulted in declining conditions of living in the county. In the period leading to 1999, a new opposition political party, the Movement for Democratic Change (MDC), was formed in Harare with positive response from the generality of urbanites. The party contested the 2000 general elections, giving Zanu (Pf) its first real electoral challenge since the inception of independence. The MDC won almost <sup>5</sup>50% of the general election and got a sizeable representation in Parliament.

The economy of Zimbabwe continued on a downward trend in the post 2000 period, resulting in it being rated the worst performing economy in Southern Africa by 2006. In 2007 the harmonization of Parliamentary and Presidential Elections for 2008 was enacted. The harmonization of the elections again intensified the already heavily polarized political environment characterized by a non-performing economy. At its congress in November 2007, ZANU (PF), endorsed Robert Mugabe to run as its presidential candidate.

The elections of March 2009 resulted in the mainstream opposition party, the MDC-T gaining a slight majority in parliament over ZANU (PF). The Presidential Elections results were delayed by over three weeks only to be announced with Morgan Tsvangirai (MDC-T) leading with about 47% of the votes against Robert Mugabe's 43%. The delay in the announcement of the results was a

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<sup>4</sup> Jean Lennox, *Paying for Health* (UK: Oxfam, 1994), 6

<sup>5</sup> United States Institute of Peace: *Special Report*: <http://www.usip.org>

major news highlight across the world as it raised questions on the credibility of the Zimbabwe Electoral Commission (ZEC). After the announcement of the results, a presidential run-off election was ordered. During this period an inflammation of politically-motivated violence arose across the country leading to the withdrawal of the opposition candidate, Morgan Tsvangirai from the election in which Robert Mugabe became the sole candidate. A rushed-through inauguration ceremony brought in Robert Mugabe as the President of Zimbabwe against an upsurge of the opposition's resistance to what they viewed as a flawed and fraudulent electoral process. The period towards the run-up to this Presidential Run-Off Election is one of the key areas of this study and research as it marked one of the most intense periods of political violence in Zimbabwe.

### **3.0 Historical Analysis of the Manifestation of the Problems**

#### **3.1 Definition of the Problem**

Throughout the Focus Group Discussions, the interviews and enquires held across the country and with various bodies, one of the critical approaches was to define and identify the problem conflicts in Zimbabwe. In the whole framework of national healing and reconciliation, our findings were that there were varied responses in terms of defining and identifying these conflicts. . However the identification of what each sector, region or persons define as the problem conflict was as varied as the consequences faced. From the overall enquiry in the production of this paper, Table 1 shows the emerging problematic conflicts across the CCSF regions in Zimbabwe.

**Table 1: Major Conflicts Identified**

<b>Problem Conflict</b>	<b>Respondents (%)</b>	
"Gukurahundi"	95%	
"Murambatsvina"	75%	
2000-2008 Election & Politically Motivated Violence	98%	
Land Invasions	70%	
Abuse & Human Rights Violations by the Security Sector	80%	
Partisanship by Judiciary System	55%	
Economic Meltdown	52%	
Gender-Based Violence		
Chiadzwa Diamond Fields Conflicts		

The conflict definitions had more emphasis on the post-independent era though most of the Focus Groups acknowledged the need to reflect on the colonial and pre-colonial periods as well. Most of the groups highlighted the need to factor in accountability in the conflict interventions as a way of instituting justice. As such they felt that the post-independence era presented a better opportunity to instill accountability as this period was traceable and most of the evidence was thus available in addressing the conflict. However this did not rule out all the pre-colonial,

colonial and pre-independence conflicts as these also needed to be addressed. Some of the respondents felt that the failure to address the colonial and pre-colonial conflicts and their effects could have caused the resurgence and sustenance of conflicts in the post-independence era. As such they expressed the need to acknowledge and address the effects of conflicts during these prescribed periods.

In some instances, some groups felt that there was need for en-mass acknowledgement for pre-independence conflicts. For instance the major ethnic groups (Shonas and Ndebele's) needed to be appeased because of the conflicts that their ancestors generated. In as much as it may be difficult to trace down and agree on the accountability structure for such conflict, it would however be important to address such historical issues by way of collective responsibility even on behalf of ancestors. The colonial and pre-independence periods were identified as crucial periods of traumatization and as important factors for ongoing inter-racial tensions and mistrust. A lot of factors would therefore be taken into account inclusive of the fact that law is inter-temporal, that war times have specific implications in comparison to peace times, the practicality of compensation, and the identification of war crimes.

**The next section defines the outlines and basic description of the various conflicts identified from the region-wide consultations. The write-ups are by no way exhaustive, the intention is to present overviews. More comprehensive outlines can thus be produced beyond the mandate of this paper.**

### **3.1.1 The “Gukurahundi” Period**

One of the scars of post-independent Zimbabwe was the “Gukurahundi” (means: clean the ashes) era in Matabeleland. The first two years of independence were stable except for some sporadic and residual resistance from some conservative white Rhodesians. However in 1982 some arms caches were supposedly discovered on some ZAPU properties. This led to a “close-shave” suspicion by the ZANU-led government that these weapons were meant for some post-independence destabilization and resistance to ZANU leadership. Joshua Nkomo and his aides were expelled from government leading to the first marked confrontation between ZANU and ZAPU in the post-independence era. The farms and properties on which these arms were supposedly discovered were taken over by government. This also led to the straining of relationship between the two parties.

Predominantly ZAPU operated more strongly in the Southern-West parts of the country surrounding Bulawayo. The area is mainly marked by the provinces of Bulawayo, Matabeleland North, Matabeleland South and parts of Midlands. Pursuant to their cause, some ZAPU followers started to launch some military resistance to Government and others thereafter became dissidents. Government responded by instituting military interventions in the Matabeleland area, with a justification to crushing the dissent. In undertaking these operations, the new government of Zimbabwe kept in place some of the repressive laws and systems that had been used by the Rhodesian government during the liberation war. Such pieces were the “Law and Order Maintenance Act” of 1965 and the “State of Emergency” passed in 1964. They gave government the sweeping powers to detain without charge. Curfews were declared in 1983-84 in Matabeleland, and the army was sent in to implement them. Massive human rights abuses were reported during this period. The Catholic Commission for Justice and Peace (CCJP) and the Legal Resources Foundation (LRF) documented some of these abuses and concluded:

“The Government responded with a massive security clampdown on Matabeleland and parts of the Midlands. What is apparent in retrospect and will be shown in this report is that there were two overlapping “conflicts” going on in Matabeleland. The first conflict was between dissidents and Government defense units, which included 4 Brigade, the Paratroopers, the CIO and the Police Support Unit. The second conflict involved Government agencies and all those who were thought to support ZAPU. This was carried out mainly against unarmed civilians in those rural areas which traditionally supported ZAPU; it was also at times carried out against ZAPU supporters in urban areas. The Government agencies which were engaged in this second conflict were primarily 5 Brigade, the CIO, PISI and the ZANU- PF Youth Brigades ... these units committed many human rights violations, which compounded the plight of civilians who were once more caught in the middle of a problem not of their own making. The Government’s attitude was that the two conflicts were one and the same, and that to support ZAPU was the same as to support dissidents.”<sup>6</sup>

Over 20,000<sup>7</sup> people are estimated to have been killed during the Gukurahundi era, many of them being civilians.

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<sup>6</sup> Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands. 1980 to 1988 (Harare, Zimbabwe: Catholic Commission for Peace and Justice in Zimbabwe and the Legal Resources Foundation, 1997).

<sup>7</sup> The Financial Gazette Newspaper, Zimbabwe 12 January 2008

In 1985 a Commission of Inquiry was established by the government. The Commission worked under the authority of the President, and was chaired by a Zimbabwean lawyer. The final report was submitted directly to the President. Even though the government had initially promised to release the commission's findings to the public, over a year later it was announced without explanation that the commission report would not be made public. Since then the report was kept under wraps.

“Gukurahundi” has been highlighted by the respondents from CCSF in Zimbabwe as crucial and making up part of the definition of the conflict in the country.

### **3.1.2 “Murambatsvina”**

In May of 2005 the Government of Zimbabwe embarked on what it termed a “Clean-Up” exercise. It was code named; “Murambatsvina” (Operation Restore Order). In its bid to rid urban and peri-urban areas of illegal structures, the government raked down human shelter and market stalls leaving an estimated 700,000<sup>8</sup> persons without shelter. The month of May also marks the beginning of the winter period in Zimbabwe. This therefore meant that those displaced had to face cold winters without shelter, a fate many found inhuman. The operation was undertaken without any precautionary measures to accommodate those displaced. People became homeless and stranded. Many Non-Governmental Organisations (NGOs) and Churches began various processes of alleviating the massive and inhuman crisis that had set forth. However government through the police and other uniformed forces interfered with such efforts as they deemed them political. A UN Special Envoy, Anna Tibaijuka was dispatched to Harare and produced a report that exposed the extent and depth of “Murambatsvina”. Though the government of Zimbabwe denied the contents of the report, world-wide condemnation of the exercise was drawn in tandem.

Many Zimbabweans were affected directly or indirectly by “Murambatsvina”. Whilst some lost properties, livelihoods, homes etc, others had to contain, accommodate and look after those that were direct victims. “Murambatsvina” became a direct violation of the rights of Zimbabweans. Many viewed it as a pay-back mechanism instituted by the combatant ZANU (PF) government

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<sup>8</sup> <http://www.state.gov/r/pa/ei/bgn/5479.htm>

against the party's major electoral losses in the previous elections in urban and peri-urban areas. In its report, the International Crisis Group wrote,

“Operation “Murambatsvina” (Restore Order) cost some 700,000 Zimbabweans their homes or livelihoods or both and otherwise affected nearly a fifth of the troubled country’s population. Its impact, as documented in a scathing UN report, has produced a political shock that has returned Zimbabwe to the international spotlight and made the quality of its governance almost impossible for its regional neighbors to ignore, however difficult they find it to be overtly critical.”<sup>9</sup>

Given these effects, “Murambatsvina” was therefore highlighted by the respondents from CCSF in Zimbabwe as part of the definition of the conflict in the country

### **3.1.3 Political Violence**

The endurance of political violence in independent Zimbabwe has some historical background traceable to “Gukuruhundi” and post election periods of 1985, 1990 and 1995. The latter conflicts were however sporadic and localized. In the Midlands area (Kwekwe especially), the populations experienced what was code named “Perm” (named after a famous hairstyle donned by women in that era). This was a systematic elimination of opposition supporters and all those assumed to be anti-ZANU PF. People died and some were maimed in the process. In the elections of 1995 there were isolated cases of opposition supporters’ houses that were burnt in Mufakose, Harare.

In as much as this creeping political violence was very isolated, it was however breeding an immense magnification of such a culture. In the elections of 2000 the opposition Movement for Democratic Change claimed to have had up to 80 of its supporters killed across the country. The resultant election became disputable as the MDC pulled out at the last minute due to the massive violent campaign that was targeted at its support base across the country. The open and inhuman discharge of violent behavior saw the brutal murders, tortures and systematic elimination of deemed political opponents. In the period March 2008 through June 2009, that encompassed the March 2008 Harmonized Elections and the June 2008 Presidential Run-Off Election, at least 210 deaths related to political violence were recorded. Recorded statistics indicated 2053 homes destroyed as a result of political violence for the period March 2008 to December 2008. . It is important to note that during the consultations it was evident that the

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<sup>9</sup> The International Crisis Group, Africa Report N. 97, 17 August 2005



case of political violence needed to be viewed from a non-partisan angle as there could have been cases where the two main political parties (ZANU – PF and MDC) both engaged in acts of violence. In as much as one of them could have had more victims in a case-by-case analysis, the need for a bi-focal approach was highlighted. Accurate figures do not exist for the numbers of the displaced and injured during this period.

In some cases the military and police machinery was mobilized in favor of ZANU (PF) and impartiality seized to exit. Professionalism became discredited in state institutions as they were mobilized for partisan purposes. NGO's were targeted, their field operations suspended from June – September 2008.

The participants deemed political violence as part of the conflicts that needed to be addressed in any framework for national healing and reconciliation.

#### **3.1.4 Land Reform**

One of the main issues in the liberation war of independence was the need for equitable distribution of land among the landless Zimbabweans. In 1976 Mugabe said, "Half the land is in the hands of 250,000 settlers",<sup>10</sup> and he justified this as one of the main reasons for the war. In fact, statistics show that the settlers who were 1% of the population had access to 70% of the most arable land, while the 99% black majority was crammed on to the 30%. Upon the attainment of independence, the land issue was not immediately addressed due to the restrictions in the Lancaster House Agreement. A ten year "holiday" had been prescribed before massive land redistribution could be allotted. In this regard, the issue dragged all through the 1990's because the government of Zimbabwe, the white commercial farmers and the British government could not agree on the modalities and mechanisms for the smooth implementation of land redistribution.

However at the instigation of the War Veterans Association of Zimbabwe (termed: War-Vets), a chaotic and un-orderly land grab began across the country. Violent conflicts and deaths ensued during these periods as quoted below;

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<sup>10</sup> Robert Mugabe 1976. Where is this cited from?

“At least 18 people have died in 10 weeks of land invasions and political violence...but Mugabe rejected the Commonwealth criticism, telling war veterans and party supporters he was the champion of democracy and justice in Zimbabwe.”<sup>11</sup>

Deaths were experienced during the land invasions. Farm workers were displaced and also caught up in the violence. ZANU (PF) and the so called War-Veterans viewed the white farmers as supporters of the MDC. Based on the implications of the colonial past, whites were also attacked arbitrarily in the streets in urban centers and in other places across the country.

The survey carried out with Civil Society and Church organizations across the country therefore identified the land invasions as part of the conflict definition.

### **3.1.5 Security Sector**

The mandate of any Security Sector is to protect citizens and ensure peace and stability. However, most respondents felt this definition was at variance with reality in the Zimbabwean context. The partisan nature of the security sector compromised its effective operation as a professional and accountable entity. In that regard, the security sector was employed by government and ZANU (PF) to beef-up their agendas. They brutally crushed demonstrations by students, women, civil society, professionals, civil servants etc. The security sector also engaged against opposition political parties and civilians from as early as the 1980's ("Gukurahundi" in Matabeleland). The security sector was viewed as "enemy" of the citizens of Zimbabwe and this had negative effects on the social fabric of our societies.

The brutality discharged by the security sector is therefore viewed as a major issue of conflict by CCSF members that participated in this research.

### **3.1.6 Judicial System**

The separation of power among the Legislature, the Executive and the Judiciary is the hallmark of a democratic system of governance. The respondents however raised the partisan nature of the Judiciary as one of the main factors misaligning Zimbabwe from the principles of good governance. As such the Judiciary was viewed as an extension of the Executive. The open

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<sup>11</sup> Associated Press, 3 May 2000.

remarks by the Attorney General, Johannes Tomana in December 2008 that he was a fully submerged supporter of ZANU (PF) served to confirm such fears.

The polarized discharge of duties by the judiciary system was therefore viewed as an issue of conflict in Zimbabwe by the participants of the discussion rounds for this paper.

### **3.1.7 Economy**

Zimbabwe's economy declined sharply from 1997. This was marked by run-away inflation, the existence of a parallel market for foreign currency, company closures, the decline of export earnings, the absence of balance-of-payment support etc.

In 2008, the economy continued on its downward trend. This affected the quality of the conditions of living in the country and also the essential services sector. The Financial Gazette reported;

The Consumer Council of Zimbabwe estimates that a family of six now requires \$1.1 billion to meet basic needs for a month. This is an untenable situation because the majority of Zimbabwean workers take-home less than \$500 million... The non-accessibility of essential medicines, fuel, electricity, hard cash and high unemployment are the daunting realities most people struggle against every day."<sup>12</sup>

The respondents attributed the dwindling economy to government's mismanagement through lack of accountability, responsibility and transparency. They rated corruption as one of the biggest attributes to this mismanagement. In that regard the poor management of the economy and its disastrous effects on the common Zimbabwean were viewed as an issue of conflict.

### **3.1.8 Gender-Based Violence**

Zimbabwe has realized a prevalence of gender-based violence in domestic and societal institutions and domains. In as much as there had been efforts to put legislative frameworks in place in order to address the situation, more needs to be done in helping the harmonization of gender. The consultations with Churches and Civil Society made realization of the need to develop a national healing and reconciliation framework that also focused on victims of gender-based violence and the effort to avoid sustained occurrence.

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<sup>12</sup> Zhean Gwaze, *The Financial Gazette* (Harare, 7 February, 2008), 13.

### 3.1.9 Chiadzwa Diamond Fields

The discovery of diamond fields in Chiadzwa, Manicaland led to the deployment of security agents into the region. The fields became a battlefield as individual persons battled with security for access to the fields. However, there had been suspicion that politicians and other influential members of society had access to the fields. In 2008/9 there were reports of civilians killed in large numbers by the security forces and buried in mass graves. The Churches and Civil Society expressed the need to reveal the actual events in Chiadzwa so as to heal and reconcile the nation from the secrecy and hidden facts of the fields.

## 4.0 Establishing the Zimbabwean Conflict Matrix

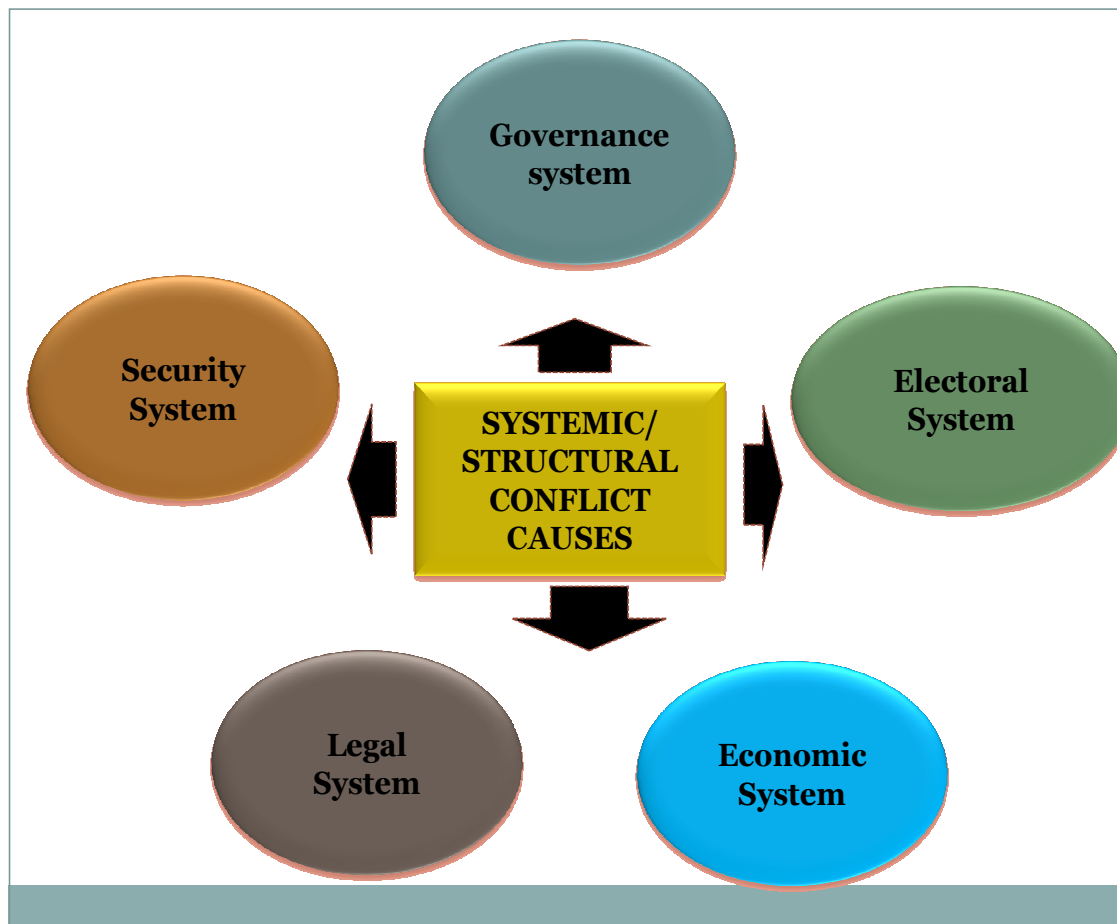
In trying to understand the issues that were identified as conflict in Zimbabwe, the respondents also expressed key causes for each issue. These are as tabulated below:

**Table 1: Systemic Causes of Conflict in Zimbabwe**

Key Conflict Issues	Structural Cause of Conflict
Gukurahundi	Security & Governance Systems
Political Violence	Electoral & Governance Systems
“Murambatsvina”	
Land Invasions	Legal, Security & Governance Systems
Judiciary System	Legal & Governance Systems
Security Sector	Security System
Economy	Economic System
Gender-Based Violence	Economic Systems, Legal Systems
Chiadzwa Diamond Fields	Security Systems, Economic Systems, Legal System

From the above table, five main structural causes of conflicts were identified as shown in Table 3.

**Table 2: The Zimbabwe Conflict Matrix Table**



These causes were the root drivers of conflicts identified in Zimbabwe and not necessarily the evident manifestations. According to Inter-Church Organization for Development Corporation's (ICCO) Conflict Analysis tool manual, a conflict has three levels;

- i) *Immediate Catalysts or Triggers*

These are the eruptive actions that are evidently shown by the actions and behaviors of those in the conflict.

ii) *Proximate Causes*

They are specific situational circumstances that cause the action of conflict. They normally take shape just before the eruption of the conflict

iii) *Systemic Causes*

These are normally deeply-embedded societal, governmental or community structural issues traceable to a distant past and intertwined in the system.

**Table 3: ICCO's Systemic, Proximate & Trigger Model**

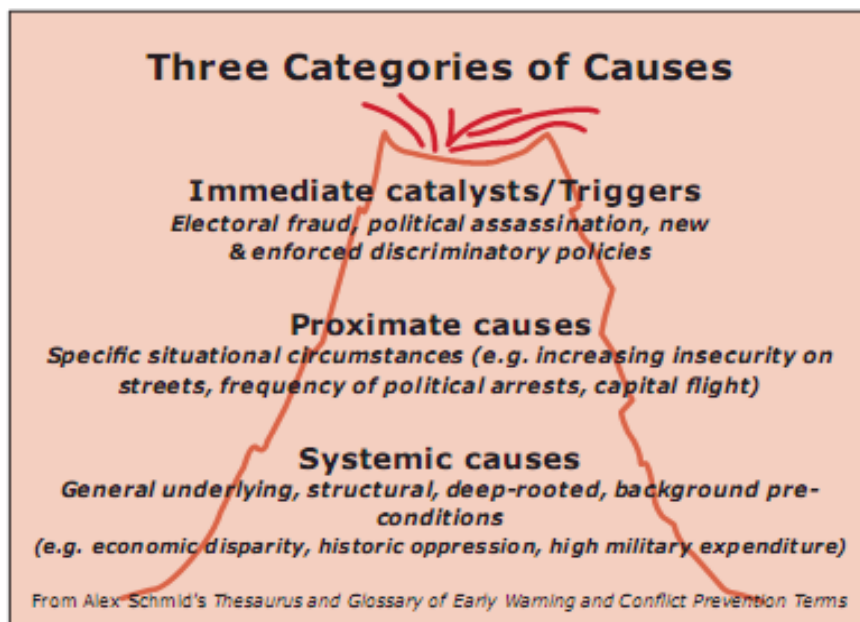


Table 64 shows an illustration of the ICCO model. In Zimbabwe's situation, the identified causes of conflict from Table 5 are all structural issues that led to the evident reactions that resulted in the physical manifestation of violence and other expressions of conflict. This analysis assists as we try to resolve and manage conflicts. If we concentrate primarily on the triggers and actions of

the manifestation of the conflict, we can leave the systemic and structural causes in place. This can create the potential for future conflicts.

## **5.0 Conflict Effects**

The effects of the conflicts in Zimbabwe are summarized as outlined.

### **5.1 Internally Displaced Persons (IDP's)**

The United Nations Development Program (UNDP) estimated figures of IDP's in Zimbabwe during the various conflicts identified in this report.

“UNDP estimated that a million farm workers and their families lost their homes and livelihoods as a result of the fast-track land reform programme which started in 2000 and which led to the almost complete collapse of the commercial farming sector in Zimbabwe. The UN estimated that 570,000 people were made homeless by the urban demolitions of Operation “Murambatsvina” (“clear the filth”) in 2005 ... Estimates of the number of people displaced by the 2008 electoral violence range between 36,000 and 200,000.”<sup>13</sup>

IDP's have become one of the major effects of the conflicts that have ensued in Zimbabwe.

### **5.2 Trauma**

Many – especially the most vulnerable groups being women and children - were and are still to a large extent traumatized by the violence and violations that were inflicted on them or on others and by the culture of fear. Also some of the perpetrators were still subject to traumatic disorders and imbalances. Progressively, the cases of experienced trauma increased in Zimbabwe as the conflicts exploded. A survey carried out by Women of Zimbabwe Arise (WOZA) reads,

“From 2000 the incidences of “experienced trauma” were annually higher than incidences of “witnessed trauma”. Children, who are often in the presence of their mothers during these incidents, are equally victimized.”<sup>14</sup>

### **5.3 Loss of Livelihoods**

People lost their source of livelihoods during the conflicts. These were in various forms such as crops, livestock, market stalls, shops, food stocks, land etc.

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<sup>13</sup> UNDP Report: *The Many Faces of Displacement: IDPs in Zimbabwe* (21 August 2008)

<sup>14</sup> Jenni Williams, National Coordinator: WOZA. Interviewed by Human Rights Geneva, 7 November 2008

#### **5.4 Shelter and Homes**

Homes and shelter were destroyed during the conflicts. “Murambatsvina” saw the systematic destruction of homes and shelter in a violation of the social economic human right to shelter. In the “Gukurahundi” era, many homes were also destroyed and torched down by the armed forces (mainly the 5<sup>th</sup> Brigade). The 2008 election violence also led to the destruction of homes and shelter.

#### **5.5 De-Humanizing Acts**

A lot of de-humanizing acts such as torture and rape were committed during the conflicts. Some of these acts were institutionalized and perpetrated in the full knowledge of the authorities. Pambazuka news reported,

“In addition, acts of sexual violence were often marked by the systematic breaking of taboos and the undermining of cultural values. For example, a girl of eighteen reported to have been raped by her cousin, a case of incest. Many other instances were reported where women and girls were abducted for the purposes of supplying youth militia at the bases with sexual services.”<sup>15</sup>

#### **5.6 Deaths**

From data gathered for the time-frame March 2008 through July 2009 which encompasses the March 2008 Elections and the Presidential Run-Off Election in June 2008, 210 deaths were recorded as a result of political violence. This data was updated on an ongoing basis. No accurate records existed of the several known to be missing and displaced during the stated period.

#### **5.7 Inter-Ethnic Relations**

The effects of the “Gukurahundi” conflicts were much more effervescent. Because the Government of Zimbabwe had focused mainly on the Ndebele people as the supporters of dissent, this clearly spilled over into tribal divisions. Some Ndebeles viewed the “Gukurahundi” as a deliberate ethnic cleansing act. In that regard, it led to social divisions between the Shona and Ndebele-speaking Zimbabweans. Tensions rose between the two groups and to-date, the simmering of such ethnic divisions still appeared in some quarters.

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<sup>15</sup> <http://www.pambazuka.org/en/category/features/52363>; December 2008



## 5.8 Impunity

Due to a biased judiciary system, impunity was a preserve for those aligned to ZANU (PF) and its functionaries. Churches in Manicaland (CiM), the Catholic Commission for Justice and Peace (CCJP) and the Mutare Educators Association for Human Rights EAHR) concluded that,

“Breaking the culture of impunity requires that the truth of what happened be established and those responsible brought to some form of justice – retributive, restorative or reparative, or a combination of all three.”<sup>16</sup>

This culture of impunity cancerously infected the judiciary system in Zimbabwe with the politicization of the courts thereby selectively applying the law. Those that were guilty got away with it, seemingly as long as they were aligned to ZANU (PF) and its system.

## 5.9 Insecurity

The partisan nature of the security sector also exposed ordinary Zimbabweans to criminality as protection was selectively applied. Many people even felt insecure from the Security forces as they were also responsible for human rights abuses and various politically motivated abuses.

## 5.10 Elitism

In the midst of the economic meltdown, Zimbabweans faced massive food shortages and basic living became a difficult task. At that stage, those that were connected to ZANU (PF) systems could access certain favors that would allow them some privileged access to some resources. In that light, government appointees in strategic and key sectors became partisan. An elite class of citizens was created courtesy of their links to ZANU (PF). The distribution of agricultural inputs, governmental food assistance and basic commodities became a preserve of the few who were within ZANU (PF) systems and structures. These people would then sell these commodities to ordinary persons at exorbitant prices, creating ill-gotten wealth for themselves. The foreign currency shortages also led to the allocation of this scarce resource to ZANU (PF) loyalists and sympathizers.

In essence, this created a group of elites, borne out of materialized loyalty to ZANU (PF) or its leadership.

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<sup>16</sup> *The Darkest Hour is Just Before the Dawn, Election Violence, Zimbabwe, 2008: A Pictorial Reflection* by CCJP, Churches in Manicaland and Mutare Educators Association for Human Rights

### 5.11 Fear

The general Zimbabwean became fearful especially in cases where his/her rights were subjected to extinction. The many disappearances of prominent human rights defenders and political activists sent a chill of fear among the ordinary. Zimbabweans kept away from demanding their rights and withdrew into the cocoons of striving to survive.

In rural areas, the mention of elections, even up to the time of the research brought memories of the events and horrors of 2000, 2002 and more freshly 2008. This fear continued to grip Zimbabweans away from their birthright to self-determination and freedom from fear.

## 6.0 Background Considerations in Developing an Intervention Model

In developing an intervention model, the background issues of the conflict need to be considered. Such background becomes critical in creating sustainability and relevance to the context of the Zimbabwean situation. As such, this background was informed by the realities on the ground and the structures and nature of desired outcomes by members of CCSF that participated in the production of this paper.

### 6.1 Global Political Agreement

Article 7 under section 7.1b of the Global Political Agreement (GPA) outlines that the Government 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. The GPA therefore becomes referral in the development of a framework for national healing and reconciliation. A political commitment was thus outlined by the constitution of this agreement. Article 18 of the GPA provided for “*Security of Persons and Prevention of Violence*”.<sup>17</sup> This section provided for the denunciation of political violence, the practice of tolerance and non-violent dialogue. This section also outlined anti-violence and non-inflammatory behavior and conduct to political parties, a mandate which had not been fully and evidently engaged at the time of writing of this paper. Part of Article 19 instructed that,

“...the public and private media shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organizations. To this end, the inclusive government shall ensure that appropriate measures are taken to achieve this objective.”<sup>18</sup>

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<sup>17</sup> Global Political Agreement: Article 18, 15 September 2008

<sup>18</sup> Global Political Agreement: Article 19, 15 September 2008

The public media's role in the post-agreement period remained one of the most contentious issues in the country. Way after the agreement, the public media continued to carry out biased reporting. In some instances it prioritized ZANU (PF) events, messages and sentiments at the expense of other political parties and even Government. Further to that, the licensing of private media houses that eagerly waiting to enter the market had not happened. In short, the media reforms that had been anticipated were taking long to come. Instead the communication churned from the public media continued partisan in favour of ZANU PF in contravention of the spirit of the GPA.

## **6.2 Constitutional Reform Process**

Article 6 of the GPA also instructs the government to set up mechanisms and processes for the drawing up of a new Constitution for Zimbabwe. In that regard, this would set in motion reformative processes that would encompass the general framework of total governance of the nation. This process would also formulate the background consideration for national healing and reconciliation.

## **6.3 Vestigial Cases of Political Violence**

Even after the institution of the GPA and the formation of the Government of National Unity, sporadic and vestigial cases of political violence were still experienced across the country. The Standard newspaper of July 12 to 18, 2009 reports, "Latest cases of violence against MDC activists have also been reported in Masvingo, Chegutu, Mudzi, Bindura and Mutoko."<sup>19</sup> Minister John Nkomo who heads the National Healing and Reconciliation Organ that was set up by Government, was quoted by the same newspaper instructing political parties to restrain their members from sustaining political tension and violence. In many rural and peri-urban areas, there was some slow response for the cessation of political hostilities, divisions and violence. Political parties had not formalized roll out plans into such areas to inform their supporters of the new dispensation and need for National Healing and Reconciliation. Even where such effort was made, positive responses lapsed due to the lack of an agreed framework for interventions and the practical implementation of national healing and reconciliation. Because people had not seen any meaningful and practical engagement on this cause, they have generally assumed it to be political without due consideration of grass-roots structures. Hence this triggered general despondence and suspicion on the motivation for the process.

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<sup>19</sup> The Sunday Standard Newspaper, July 12 to 18, 2009

#### **6.4 The Organ of National Healing and Reconciliation**

The government formed the Organ of National Healing and Reconciliation led by a team of three Ministers (one from each of the parties that are signatories to the GPA). The mandate of the Organ was not clear and the road map of its program was also embroiled in confusion. However CCSF were engaging with the Organ in trying to formulate a way forward.

#### **6.5 State of the Judiciary**

The Judiciary continued to exhibit some partisan characteristics, with an open submission by the Attorney General, Johannes Tomana, that he was a supporter of ZANU (PF). In that regard, the MDC-T and MDC-M and Civil Society have come out strongly against a partisan Judiciary. The reformation of the Judiciary was still to be implemented under the guidelines of the GPA.

From the Zimbabwe Human Rights NGO Forum report of May 2009, there was a clear indication of the continuation of various political violations to the GPA and the spirit of the unity government. The failure by the Judiciary to rein in on violators continued to be a worrying cause for CCSF. The Zimbabwe Human Rights NGO Forum reported:

“The harassment and intimidation of human rights and MDC activists in the month of May (2009) was persistent. The arrests of human rights lawyer Alec Muchadehama and the re-arrest of the Director of the Zimbabwe Peace Project (ZPP), Jestina Mukoko and 17 others after their indictment are cases in point.”<sup>20</sup>

Against such a background a framework for national healing and reconciliation was being pursued.

#### **6.6 State of the Security Sector**

The GPA provided for the formation of the National Security Council within which the President and Prime Minister would be part of. This council was to replace the Joint Operations Command that operated in the tenure of a ZANU (PF) government. The Security Sector however remained suspiciously in the eyes of CCSF. Given its centrality in the infusion of political violence in the Gukurahundi era and the subsequent elections of 2000, 2002 and 2008, many still hold the Security Sector in contempt.

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<sup>20</sup> May 2009 *Zimbabwe Human Rights NGO Forum Political Violence Report*

## **7.0 Emerging Issues from CCSF**

From among all the five regions, there were specific common issues that emerged. These issues are as highlighted below.

### **7.1 Decentralization of Process**

All the regions identified the need to come up with regional consultants and research teams instead of the current centralized arrangement. From the meetings, it was realized that there was suspicion within the CCSF membership that the findings and issues in the paper would be dominated and imposed by the Harare constituency. The regions therefore felt the need to carry out their own researches to produce region specific papers which would then be used by CCSF' head office to collate into a national report.

### **7.2 Statistics**

Statistics were disputed in different regions and no common agreement could be derived. Suggestions were that statistics be based on researches done within the specific regions by the members of the CCSF.

### **7.3 Peace-building Focus**

The regions also concurred on the need to develop a national healing tone in the paper. It was felt that the paper must not be out rightly political but must embrace language and focus that would promote national healing. In the same context, there was expression of the need to engage with the perpetrators (suspected or known) in order to lay the framework for national healing. Such groups and parties as ZANU (PF), traditional leaders, war veterans, militias, the security sector, and the judiciary were identified for possible engagement.

### **7.4 Special Needs**

The regions also concurred on the need to create special focus researches on the effects of the conflict on such groups as the disabled, children, women, orphans, widows etc.

### **7.5 Transitional Justice**

The regions also highlighted that the environment was not conducive for transitional justice and there was need for churches and civil society to focus on the immediate needs of victims. The regions also highlighted that some if not most of the victims of conflicts needed the following:

- i) Trauma counseling and treatment

- ii) Re-integration in their natural communities
- iii) Food aid
- iv) Medical Treatment
- v) Livelihoods support mechanisms

CCSF must therefore focus on providing these immediate needs while the issues of transitional justice were being considered.

## **7.6 Governance**

- That the governance of our nation be according to democratic guidelines as defined by:
  - i) Free and fair elections
  - ii) Multi-party democracy
  - iii) Free political participation
  - iv) Free media
  - v) A vibrant and free Civil Society

## **7.7 Global Political Agreement**

- That Zimbabwe is not in a full state of transition due to the residual resistance in the full implementation of the GPA. A concerted effort must then be channeled towards lobbying for its full implementation.

## **7.8 Truth and Justice**

The Civil Society Monitoring Mechanism (CISOMM) set forth specific principles for a process of National Healing, Reconciliation and Integration:

- a) No amnesty for genocide, crimes against humanity, torture, rape and other sexual crimes;
- b) No guarantee of job security for those found responsible for gross human rights violations;
- c) Comprehensive reparations for victims of human rights violations;

- d) A credible and independent truth-seeking inquiry into the conflicts of the past which holds perpetrators to account and which provides victims and survivors with the opportunity to tell their stories with a view to promoting national healing, and
- e) An independent monitoring and reform of the operations and structure of the police, army, paramilitary, security coordination, administration of justice, food distribution and other organs of state involved in the implementation of the transition.

These principles were reflective of years of broad civil society deliberations on the issue facilitated by the Zimbabwe Human Rights NGO Forum - amongst others at a symposium in Johannesburg, South Africa on the 13<sup>th</sup> of August 2003,<sup>21</sup> and at a follow-up “Transitional Justice: Options for Zimbabwe” Conference held in Harare on 9 and 10 September 2009.<sup>22</sup>

### **7.9 Independent Commission**

- That the Churches and Civil Society and other independent bodies including business, labor etc form an Independent Commission to spearhead the national process. This Commission must be instituted through an Act of Parliament and must have designated powers and authority to effectively draw up intervention mechanisms and enforce its mandate.
- That the set Independent Commission must thereafter look into the processes of national institutional reforms as pre-requisites to National Healing and Reconciliation.
- That the set Independent Commission must also undertake to establish the truth and background of all the conflicts that have been identified since 1980.
- That the set Independent Commission may make representations directly to Parliament yet function operationally through being supported by the Organ (for logistical support and purposes).

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<sup>21</sup> Symposium Report and Declaration: CCSF and Justice in Zimbabwe, Johannesburg, South Africa, 13 August 2003.

<sup>22</sup> Zimbabwe NGO Forum meeting

- That the process of National Healing and Reconciliation take a sequential route, where institutional reforms (Judiciary, Security Sector, must be undertaken first before the institution of comprehensible and the full measure of justice).
- That there be room and space created to heal perpetrators though the general framework.
- Pending the formulation of an independent commission, a suggested national healing framework for Zimbabwe could be as follows:

*i) A Localized, Victim/Survivor-centered approach to Healing/Transitional Justice:*

National processes such as a Truth and Reconciliation Commission (TRC) could by their very nature be seen as elitist and exclusive and may not be discussed, endorsed and owned at the grassroots level.

Localized healing processes have the potential to make a significant contribution to a national process for healing and justice. CSU sees the essential ingredients of a healing process to be reflected within the following framework:

*ii) Preference for a national directive:*

It was preferable though not necessary that a formal national directive for a healing process be in place although the process must have 'localized ownership'. Well established lines of communication and accountability between national and local levels enhanced their effectiveness and ensured access to national resources and support (both political and financial).

*iii) Focus on Victims:*

Through the creation of responsive and representative victim/survivor groupings, these would explore their own techniques and strategies for rebuilding their lives.

Localized truth-seeking process would be designed and implemented with a primary aim to listen to the experiences and hopes of victims. These processes would help enrich the understanding of the situation of victims thereby laying the groundwork for other transitional-justice mechanisms. This mechanism was intended to ensure urgent support for the victims and it would recommend a comprehensive reparations program at the end of its mandate.



*iv) Compilation, Analysis and Systematization of Data:*

Records on human rights abuses already compiled by various human rights defenders would be analyzed and systematized for critical and effective use in a justice process.

*v) Localized Justice:*

Localized processes taking into account the victims/survivors' sense of justice should be installed. Civil cases for damages for loss of livelihood and/or destroyed property and/or other damages would be filed in the local courts under local rules of procedure. This would serve the dual purpose of giving impetus for the reformation of local justice structures and also expediting the process of reparations.

*vi) Viable Systems of Governance at all levels:*

In tandem with reestablishing the rule of law, the localized justice processes would allow for resuscitation of viable structures of governance at the grassroots levels and thus reviving faith in local governance.

*vii) Developing frameworks/linkages of trust and confidence:*

A commitment to develop frameworks for relationship of trust between victim/survivor groups, church organizations, civil society actors, political party officials, court officers, and Ministry of Justice officials, through their involvement in workshops and focus group meetings.

*viii) Effective use of Media:*

There was need for reliable, accurate and objective public and private media to disseminate information, further awareness and knowledge, promote participatory and transparent governance, and address perceived grievances. This would contribute to societal reconciliation, change misconceptions and broaden understanding of the causes and consequences of conflict. Community-based communication could be used to transmit messages of healing, unity and grass-root themes of reconstruction.

*ix) Enhancing the Educational Curriculum:*

There was need for the involvement of various stakeholders including the Ministry of Education, teachers, students and civil society in developing a curriculum to raise awareness on organized violence and torture and a culture of human rights and accountability.

*x) A Community-based Reconciliation Process:*

Such a process would allow for local mediation of conflicts related to past abuses and would strengthen peace at community level. This mechanism would build on existing law and customary forms of dispute resolution, consistent with human rights standards.

*xi) Regenerating viable and sustainable economic recovery projects:*

For the benefit of those whose livelihoods were destroyed there would be need to develop sustainable income generating projects as part of the healing and reintegration process. The capacity to facilitate joint and localized healing processes would contribute substantially to the collective confidence of a community preparing them to take charge of their future.

*xii) Introducing a culture of peaceful resolution of conflict:*

In an environment steeped in cycles of violence and where often violence is a reflex-resort to resolving disputes, an alternative culture of healthy conflict resolution mechanisms needed to be developed within community structures.

#### **7.10 Roles and Responsibilities**

- There was a general agreement that the role of Government and the Organ for National Healing and Reconciliation must be clearly spelt out. CCSF expressed the desire to see the role of the Organ for National Healing and Reconciliation as being facilitator. Churches and Civil Society must drive the process. The Organ would therefore provide logistical support and a link between Civil Society and Churches and the policy-making framework in the country. The consultations revealed that there was a strong conviction that the Organ took the logistical and policy mandate, whilst the Churches and Civil Society took the moral mandate in the process.
- That the Organ becomes a non-operational entity (must not run programs) but a facilitating body.

#### **7.11 Safeguarding Peace**

- That the preservation of sustainable peace in Zimbabwe be enshrined in a national values framework that must be developed, communicated and preserved.

- That a new Constitution be the guideline in preserving and instituting sustainable peace in Zimbabwe
- That peace-building and mediation trainings be undertaken for the police, the army, parliamentarians, ministers, local government officials, chiefs, teachers, civil servants etc

#### **7.12 Related Reforms**

- That there was a need for sectoral reforms in the security, judiciary, media and all government and national institutions that had been politicized since independence. This was seen as a pre-condition to a credible national healing and reconciliation process.

### **8.0 An Overview of Comparative Analysis of South Africa, Sierra Leone and Guatemala’s Truth & Reconciliation Commissions**

In the next section a brief a comparative overview of Truth and Reconciliation Commissions in South Africa, Sierra Leone, Australia, Peru, East Timor and Guatemala shall be given.

These six country models were chosen based on the following:

- a) Their diverse operational methodologies
- b) The contextual relevance of Sierra Leone and South Africa
- c) The literature available to the Consultant
- d) The Consultant’s personal contacts with persons involved in some of the stated examples.

As much as the National Healing and Reconciliation Process in Zimbabwe had to be home-grown, it was felt that the experiences made in transitions in other countries around the world could help to avoid mistakes and to learn from best practices to shape their own process.

As Priscilla B. Hayner has outlined in her book entitled “Unspeakable Truths. Facing the Challenge of Truth Commissions”,<sup>23</sup> a state may have a number of objectives in responding to past abuses: to punish perpetrators, establish the truth, repair or address damages, pay respect to victims, and prevent further abuses. According to Hayner there might be other aims as well,

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<sup>23</sup> Priscilla B. Hayner, *Unspeakable Truths. Facing the Challenge of Truth Commissions*, Routledge, New York/USA, 2<sup>nd</sup> edition 2002.

such as promoting national reconciliation and reducing conflict over the past, or highlighting the new government's concern for human rights and therefore gaining the favor of the international community.

A variety of mechanisms or policies can be implemented to try to reach these objectives: holding trials in domestic or international courts, purging wrongdoers from public or security posts, creating a commission of inquiry, providing individualized access to security files, awarding reparations to victims, building memorials, or putting in place, military, police, judicial, or other reforms.

	<b>South Africa</b>	<b>Sierra Leone</b>	<b>Peru</b>	<b>Guatemala</b>	<b>Australia</b>	<b>East Timor</b>
<b>TITLE OF COMMISSION</b>	<b>Truth and Reconciliation Commission</b>	<b>Truth and Reconciliation Commission</b>	<b>Truth and Reconciliation Commission</b>	<b>Commission for Historical Clarification</b>	<b>Human Rights and Equal Opportunity Commission</b>	<b>Commission for Reception, Truth, and Reconciliation</b>
<b>MANDATE</b>	<p>1. To establish cause, nature and extent of human rights violations &amp; to determine fate of victims.</p> <p>2. To grant amnesty to persons who make full disclosure of relevant facts of violations.</p> <p>3. To grant victims an opportunity to relate the violations with due consideration for reparations and</p>	<p>1. To create impartial historical record of human rights and international humanitarian law violations.</p> <p>2. To address impunity</p> <p>3. To grant victims and perpetrators an opportunity to relate their experiences of and during the violations.</p>	<p>1. To investigate human rights abuses that occurred between 1980 and 2000</p> <p>2. To determine the conditions that gave rise to the violence, contribute judicial investigations, draft proposals for reparations, and recommend reform.</p>	<p>1. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict</p> <p>2. Commission could not attribute responsibility to any individual in its work, recommendations and report</p> <p>3. Work of the Commission would not have any judicial aim or effect.</p>	<p>1. To look into the record of state abuse against the country's indigenous population</p>	

	rehabilitation.					
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<p><b>COMMENT ON THE QUALITY OF THE MANDATE &amp; ITS DISCHARGE</b></p>	<p>Mandate was comprehensive and made very public. It also demanded full disclosure and reports of commission's activity were shown on public television during prime time. Final report was publicized and is accessible to the public.</p> <p>The TRC's empowering act laid out carefully balanced powers and an extensive investigatory reach. It gave the commission the power to grant individualized amnesty, search premises and seize evidence, subpoena witnesses, and run a</p>	<p>The mandate allowed both perpetrators and victims to share their experiences &amp; perspectives. Final report was publicized and is accessible to the public.</p>	<p>The mandate allowed the commission to hold public hearings.</p>	<p>The Historical Clarification Commission was a result of United Nations-moderated negotiations and closely connected with the signing of final peace accords. During the negotiations the question how past human rights abuses would be addressed during the transition to peace was addressed. Field offices were opened to receive testimony. Commission successfully requested the declassification of files from the US government archives which assisted in building a database outlining the</p>	<p>The Commission's investigation documented decades/long state policies of forcibly removing aboriginal children from their families and placing them with white families in order to assimilate them into mainstream Australian society. With the release of the commission's report, these facts became a national scandal. The Australian public was outraged by this previously</p>	
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	<p>sophisticated witness protection program. The commission worked in three interconnected committees: the Human Rights Violations Committee, the Amnesty Committee and the Reparations and Rehabilitation Committee.</p>			<p>structure and personnel of the armed forces in Guatemala. One year after the release of the Commission's report, the newly elected President of Guatemala made a commitment to implement the Clarification Commission's recommendations.</p>	<p>officially little-known practice, while the government refused to offer a formal apology in the name of the prior governments. An annual "Sorry Day" was created, as recommended by the Commission, and "sorry books" were made available for signature by the public.</p>	
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<p><b>AUTHORITY/POWER AND LEGAL STATUS OF COMMISSION</b></p>	<ol style="list-style-type: none"> <li>1. To coordinate enquiries into human rights violations</li> <li>2. To gather information from any person</li> <li>3. Facilitate the granting of Amnesty</li> <li>4. Determine any ways and methods employed to conceal violations</li> <li>5. Prepare report with recommendations for implementation</li> <li>6. Set out other committees and offices as maybe necessary to carry out its mandate</li> </ol>	<ol style="list-style-type: none"> <li>1. Gather any information it deems necessary, appropriate and relevant</li> <li>2. To visit any establishment without prior notice</li> <li>3. Enter any land for the purposes of gathering information</li> <li>4. To interview any individual under oath</li> <li>5. Request any information from any authority of a foreign country</li> <li>6. To issue summons and request police assistance</li> <li>7. Members of the commission or any of their officers were not liable for any acts</li> </ol>	<p>Established by Presidential Decree.</p>	<ol style="list-style-type: none"> <li>1. Commission was to receive any information and particulars from any individual and institution and be responsible for clarifying it.</li> <li>2. The commission was not to attribute any responsibility to any individual or have any judicial aim or effect.</li> <li>3. The commission was to be confidential</li> </ol> <p><b>The chair of the commission was a non-Guatemalan, while the remaining two members were Guatemalan.</b></p>	<p>Special inquiry undertaken by permanent governmental human rights monitoring body.</p>	<p>Was established by the United Nations transitional authority UNTAET in 2002. UNTAET also established a prosecutorial authority, the Serious Crimes Unit, and hybrid national/international courts – the Special Panels for Serious Crimes – to bring suspects to trial. After independence the serious crimes process became part of Timor Leste’s judicial system. In The servious crimes process was shut down in May 2005.</p>
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		undertaken in the discharge of their duty.				
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<p><b>BARGAINING ASPECTS OF THE COMMISSION DURING ITS INVESTIGATION</b></p>	<p>Amnesty was granted for “truth”.</p> <p>This bargaining chip raised concerns about the continuation of a culture of impunity, given the prosecution of few persons implicated in human rights crimes in the past decade.</p>	<p>Amnesty was granted for a specific time period allowing the Commission to perform its duties.</p>	<p>No granting of amnesty. A number of criminal cases arising from past human rights abuses as documented by the Commission are pending before prosecutors. Peru’s Constitutional Tribunal confirmed the right to truth.</p>	<p>Commission was not attribute any responsibility to any individual in the course of its work.</p>		
<p><b>TIME FRAME</b></p>	<p>Commission was set up in 1995 &amp; covered period from March 1, 1960 to 5<sup>th</sup> December 1999.</p>	<p>Set up in 2001 as a result of the 1999 Lomé Peace Accord between the Government of Sierra Leone and the Revolutionary United Front.. Time frame for investigations was set for 1991 – 1999. Its final report was issued in August 2003.</p>	<p>Established by Presidential decree in 2001, the Commission’s initial 19-month mandate which was to end in February 2003 was extended to mid-July 2003 and again to August 2003. The final report was delivered to government in August 2003.</p>	<p>Set up June 23 in 1994. Its mandate was from the beginning of the armed conflict to the time of the signing of a lasting peace Agreement.</p>	<p>The inquiry lasted from 1996 until 1996 and covered the time period 1910 – 1975. The Australian Commission therefore can truly be called “Historical” Truth Commission since inquiries into abuses were commissioned</p>	<p>Created in 2001 and carried out its work from 2002 to 2005.</p>

		<p>The TRC submitted its final report in October 2004. Only several months' later violence broke out, the Government of Sierra Leone subsequently asking the UN to help establish a special court to prosecute those bearing the greatest responsibility for human rights and humanitarian law violations. The Special Court for Sierra Leone was established in 2002. Operations are expected to wind down in 2010.</p>			<p>that took place many decades earlier.</p>	
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<b>AMNESTY</b>	Granted to persons who made full disclosure of all relevant facts of the violations. The person would then be released from civil and criminal liability arising from the incident. Those already serving sentences would be released upon such disclosure.	Article IX of Lome Peace Agreement instructed that the Government of Sierra Leone would grant a blanket amnesty all combatants and collaborators in line with anything done in pursuit of their objective until the time of the signing of the Agreement.	No provision was made.	Amnesty law was in place.		
<b>PERPETRATORS/ PROSECUTION</b>	If amnesty was denied both victim & applicant would be notified, with applicant being protected against disclosure of his/her application. Any part aggrieved by decision of commission could appeal with the High Court	Amnesty was unconditionally granted	Commission recommended prosecutions. Human rights trials were initiated.	The Commission recommended that where the amnesty law did not prohibit prosecution, particularly in reference to crimes of genocide, torture, and forced disappearance, appropriate persons should be prosecuted, tried and punished.		

<p><b>REPARATIONS/ COMPENSATION</b></p>	<p>Individual grant scheme was made available. The victim, dependant or relative received payments spread over 6 years. Symbolic reparations were also available such as tombstones, memorials etc. Community rehabilitation programs were also available such as resettlements and reintegration.</p>	<p>Intra-group reconciliation was fostered with perpetrators and victims meeting and traditional methods employed.</p>	<p>The Commission recommended a comprehensive reparations plan. In 2006 funds for reparations were approved. .</p>	<p><b>Commission recommended the creation of national legislation a National Reparations Program to provide moral and material reparations, psychosocial rehabilitation, and other benefits.</b></p>		
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## 8.1 Lessons for Zimbabwe

Based on the comparative analysis above specific lessons can be derived for the Zimbabwean scenario.

### *Mandate*

A clearly laid out mandate needs to be in place, with clear definitions and guidelines. From the South African example a full public insight into the Commission's work was mandated inclusive of television broadcasts whereas Guatemala had a more closed up enquiry. Sierra Leone's mandate's emphasis was more on creating an interface of perpetrators and victims so as to allow healing.

From the enquiries held across the country, Zimbabweans seem to prefer a very open and comprehensive mandate for such a Commission to allow public input and insight into its work. Against a background of political mistrust and impunity, there is great need to infuse transparency in such a commission's work in order to give it credibility.

### *Authority*

The authority of the commission is critical in setting its boundaries of operations. This directly affects its output and the relevance. In all the examples highlighted above, Acts of Parliament gave life to the commissions. The commission in South Africa had the authority to grant amnesty whereas in Guatemala it had no such right and had no effect on the Judiciary. In Sierra Leone, it had a free reign and could visit any place, interrogate any documents, interview anyone, summon any persons with the assistance of the police and could enter any premises.

Currently Zimbabwe has a dysfunctional and politicized judiciary system. In such a case it is necessary to ensure that the Commission has as much leeway as that of Sierra Leone. It should have full investigative authority, prosecution and reparations recommendations and implementation.

### *Bargaining*

The Commission in Zimbabwe must also have bargaining mechanisms in order to draw perpetrators into admission to disclose their violations. In the examples given, South Africa

offered amnesty as reward for full disclosure. In Sierra Leone a general amnesty was granted before enquiries began, this then allowed perpetrators to offer full disclosure without the threat of prosecution. Guatemala had no amnesty in place as the commission did not focus on bringing individuals to accountability.

The South Africa model seems more appealing to our Zimbabwean situation as the general sentiments expressed from the enquiries seemed to largely favour accountability for violations. The sentiments expressed also linked any amnesty initiatives not only to disclosure but also to reparations by the perpetrators.

### *Time*

The mandates of the Commissions in the examples given were all guided by a time framework for their work and periods of violations. This allowed focus and an orientation towards results.

From enquires undertaken there was much debate as how far back the commission could focus. Pre-colonial, colonial, pre-independence and post-independence conflicts were deemed to be addressed to achieve thorough national healing and reconciliation. However it was seen that there are practical limitations beyond certain dates and times. A pragmatic mechanism therefore needs to be put in place which can encompass these deemed necessities while at the same time giving the commission the ability of focusing and finalizing its mandate in a suitable time frame.

### *Prosecution*

A prosecution mechanism will also need to be defined with its appeal structures. Cases where the state was directly or indirectly involved also needed to be identified and detailed. In Guatemala, the state was held responsible for any authority it directly or indirectly discharged towards any violations.

Zimbabwe has clear cases where such scenarios are evident. It was therefore necessary to establish state involvement in violations and to trace prosecution right up to persons that gave certain commands for violations.

### *Reparations*

Reparation structures also needed to be defined against whatever was practical and what was not. From the examples highlighted there may be need for Zimbabwe to consider the following mechanisms of reparations as cases are individually considered:

- i) Material possession
- ii) Economic compensation



- iii) Psychosocial reparations
- iv) Restoration of individual dignity
- v) Acknowledgement of disappeared persons
- vi) Symbolic reparations e.g. decent re-burials, memorials, etc

## **9.0 National Healing and Reconciliation Recommendations for CCSF.**

The strategic intention was to contextually consider the complexity of the Zimbabwean situation. The strategy for Zimbabwe must therefore be considered under that given framework.

### **9.1 Transitional Justice**

Transitional Justice is define by Dr Lavinia Stan as,

“...the measures and policies adopted by governments and civil society actors to address and possibly redress legacies of widespread and systematic human rights abuse, mass atrocity, genocide or civil war.”<sup>24</sup>

The International Center for Transitional Justice (ICTJ) defines Transitional Justice as:

“... as response to systematic or widespread violations of human rights. It seeks recognition for victims and to promote possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse.”<sup>25</sup>

Transitional Justice is therefore a necessary process for countries in

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<sup>24</sup> <http://www.scitopics.com/Transitional-Justice.html>

<sup>25</sup> International Center for Transitional Justice (ICTJ), [www.ictj.org](http://www.ictj.org), “What is Transitional Justice?”.

transit from a period of chaos into order. It provides the smoothening mechanism for such transition and hence requires structural as well as operational changes. Transitional Justice normally gives birth to quasi-judicial organs and commissions, which however need to work in sync with the national Judiciary. It becomes an important consideration to note that a supportive national judicial framework is necessary for the work of any transitional justice interventions. The focus of Transitional Justice is to result in a change of prevailing conditions so that they become supportive of a nation's quest to redress mishaps of the past.

The Zimbabwe Human Rights NGO Forum has defined transitional justice as consisting of five primary areas as listed:<sup>26</sup>

1. *trials* (civil, criminal, national, international, domestic or foreign)
2. *truth-seeking and fact-finding*
3. *reparations* (whether compensatory, symbolic, restitutive or rehabilitative in nature)
4. *institutional reform* (including legal and institutional reforms, removal of abusers from public positions, and human rights training for public officials) and
5. *memorization and "collective memory"*

In that regard, Dr. Stan also highlights that transitional justice is normally pursued with the establishment of a new democracy. In the same article quoted earlier he goes on to say,

“The majority of countries confronting their recent past are new democracies attempting to move away from violent conflict but a small fraction of countries are consolidated democracies.”<sup>27</sup>

There is an asserted indication from Dr. Stan and the Zimbabwe Human Rights NGO Forum that transitional justice is best instituted when there has been a marked political transition in a country or place of context. The solid foundation of a democratic dispensation seems to lay the most favorable conditions for transitional justice. This situation brings into context our Zimbabwean

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<sup>26</sup> Footnote is lacking

<sup>27</sup> [http://www.scitopics.com/Transitional\\_Justice.html](http://www.scitopics.com/Transitional_Justice.html)

reality. Having already highlighted the shortfalls on the implementation of the GPA in Zimbabwe (i.e. the continued political tensions, the non-reformed Judiciary and Security Sectors and the continued existence of a partisan media)), it therefore brings our context at variance with the outlined indications for effective transitional justice. In that regard, there is need to ensure that there is an evident transition to democracy before Zimbabwe can effectively consider the practical employment of transitional justice.

Zimbabwe's background is littered with massive violations of basic reformative and democracy requirements that are a pre-requisite to transitional justice.

The strategy for pursuing a formidable national healing and reconciliation process in Zimbabwe must therefore build concerted efforts into ensuring democratization of institutions and the compliance to the GPA. CCSF must ensure that they lobby and put effort into the rebuilding of the country's institutions for good governance. They must also focus on the need to address the plight of victims of the perennial conflicts in Zimbabwe as an immediate concern. One way is to ensure the timeous and transparent appointments of the Zimbabwe Media Commission, the Zimbabwe Electoral Commission, and the Zimbabwe Human Rights Commission etc. As they undertake this, they can then be preparing for transitional justice, not as an immediate intervention but a post or mid reform process.

## **9.2 Strategic Engagement**

The constitutional process is also underway and there must be direct engagement with this process to ensure that the issues specific to such thematic areas as *The Bill of Rights, Elections & Governance* and *Separation of Powers* are all protective and promotive of sustainable peace. The Deputy Prime Minister, Arthur Mutambara, recently launched the process of building a national vision for the country. It is important that the building of sustainable peace be a core guideline to this national vision. There should therefore be active engagement with this process.

## **9.3 Mobilization and Awareness**

One of the realizations from the consultations carried out is that most of the people in the rural, urban or peri-urban areas are not aware of the National Healing and Reconciliation initiative.

Some have only seen it in newspapers and through the proclamations by politicians. There has been no intentional civic education on most of the processes coming after the GPA. There is a huge supply gap to be filled in. One of the critical strategies that need to be employed is to induct a massive civic education campaign on the National Healing and Reconciliation Process and other related processes. About 75% of the people affected by the “Gukurahundi” and the 2008 political violence are in the rural areas. However these are the areas where information has not been openly and publicly shared on the National Healing and Reconciliation Process. So the affected people are not aware of what is being planned for them. This has made the whole framework a “top-down” approach, which by measurable standards may just become another political process imposed on the very people and the victims. In that regard, CCSF need to roll out programs into rural, urban and peri-urban areas to inform people of the process and allow them participation in the drawing-up of interventions. This becomes a hallmark of participatory democracy and the institution of a “bottom-up” approach which is most appropriate for such human-sensitive processes.

#### **9.4 Institutionalization**

Another critical strategy is to enforce the institutionalization of the CCSF’ initiative. To-date many are frustrated by lack of action after the Kariba meeting that gave birth to the *Churches and Civil Society Forum* (CCSF). The CCSF has not yet come up with any visible action since its Kariba meeting. The CCSF faces the eminent fall that has beset many such initiatives; oblivion. Some of the strategies that the CCSF can undertake are to expand, institutionalize and then to operationalize. By expansion the CCSF must mobilize capacity to increase its stakeholder base. It must engage with traditional leaders, business sector, labor, local authorities etc. This will ensure that it has a leveraged voice and is widely representative and this brings greater influence. After expansion of the stakeholder base, there is need to institutionalize. At this stage the forum must establish structures (even if this means a permanent secretariat). The process of national healing and reconciliation is so critical and so long-term that it cannot be handled through harphazard and incidental operations. Once institutionalized, the expanded forum can then operate under the structure highlighted below.

## 9.5 Operational Structure

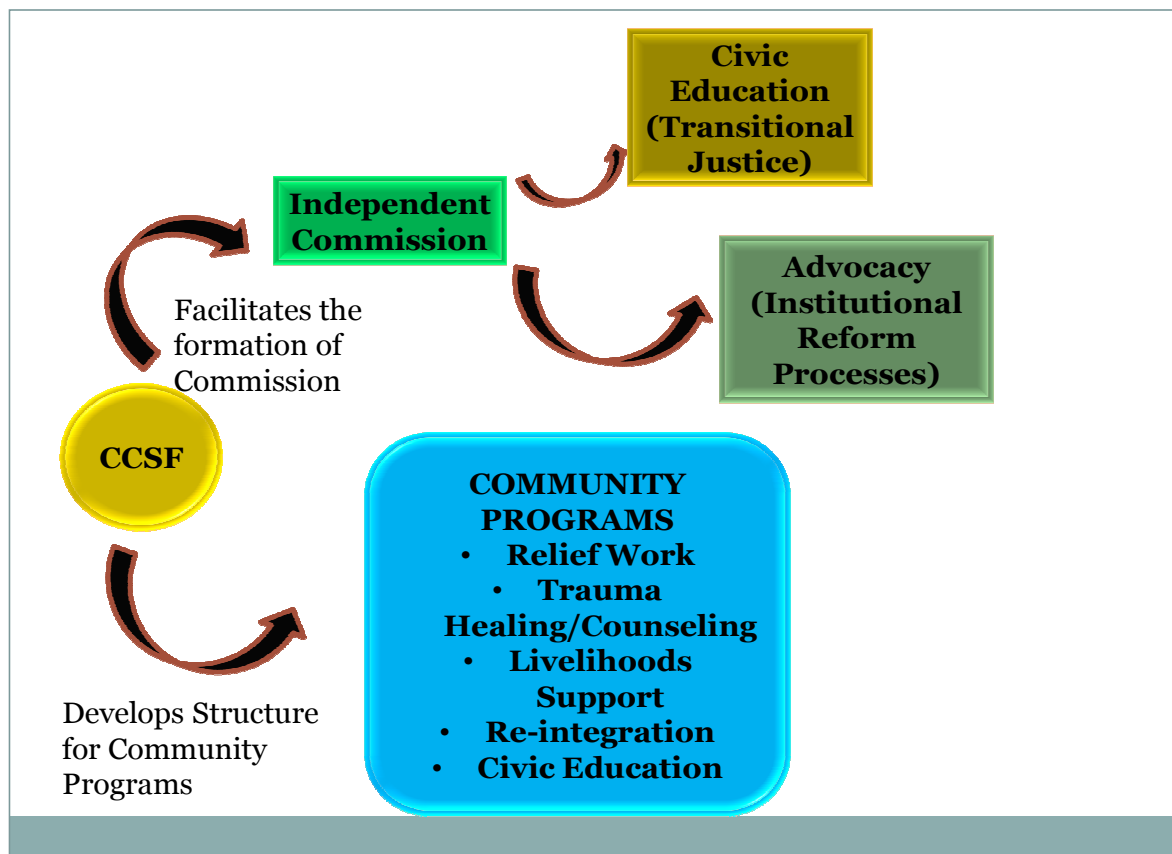
The expanded Forum can then influence the formation of a National Healing and Reconciliation Commission. The Forum will remain intact as a permanent operating structure while the commission becomes a parliament enacted structure with a specific mandate for transitional justice. The commission can be inclusive of other sectors that may not be part of the expanded forum but independent of government and parliament. The expanded forum must be in a strong position to lobby for the enactment of the commission.

However the expanded forum must immediately engage in processes that will alleviate the lives affected by the conflicts. The forum must then develop mechanisms, structures and funding for such urgent processes as trauma healing and counseling, re-integration of displaced persons, relief work, livelihoods support and civic education. Civic education must include the national conscientisation on national healing and reconciliation needs and efforts – a feat which has not yet been undertaken effectively. These are areas that are urgently awaited by those in affected areas, even before the institution of transitional justice processes.

The Commission will however be mandated to look at seriously engaging in civic education specifically on transitional justice issues. It will also engage in advocacy work to influence the creation of conditions for Transitional Justice in the country. Such conditions will be reforms in the judiciary, security sector, compliance to the GPA and other institutional reforms. The commission can create the following functions/departments under it; *Policy*, *Research & Documentation*, *Civic Education*, *Capacity Building*, *Advocacy* and *Programs*. The commission's work will be to develop and prepare transitional justice processes for implementation once conditions allow.

As the Commission focuses on transitional justice, the expanded CCSF Forum will be carrying out community interventions to aid the urgently needed relief and emergency support to victims who are still exposed. Table 5 shows this proposed development.

***Table 5: Operational Structure of Forum & Commission***



## 9.6 Comprehensive Processes

It is important to note that half-baked and poorly thought-out transitional justice processes have capacity to trigger violence and disagreements. In that regard, they need to be well-developed and sustainable. The recommendation is not to rush over issues for the sake of covering time. It is important to look at immediate issues that can be undertaken in the short term in order to alleviate victims of the conflicts and violence. In some of the transitional justice case studies presented in this report, some instances took up to five years before fully functional transitional justice systems were in place. As such the Zimbabwe scenario presents an unstable and unbalanced political environment (even after the unity Government). It would be more strategic to pursue institutional reforms and the democratization of our political environment before we focus on the full operations of transitional justice mechanisms and structures. Mobilized efforts must focus in two areas in the immediate:

- a) the immediate *relief, re-integration, trauma healing and counseling, localized reparations, livelihoods support and civic education*
- b) the democratization efforts as well as institutional reforms (e.g. security sector, judiciary etc)

A comprehensive transitional justice mechanism can only thus be achieved by the prevalence of a supportive operating, institutional and political environment.

It is also important to note that commissions will not be prescriptive but will need to implement the agenda of what the generality of Zimbabweans want to see achieved.

### **9.7 Peace-Building and Mediation Mainstreaming**

The expanded CCSF Forum must engage government structures, civil society, churches, Parliament, the police, the army, judiciary, schools, universities, traditional leaders, hospitals, businesses etc for them to adopt a peace-building and mediation mainstreaming framework. This would be like a guideline that ensures that the operations of all these entities account for peace-building and meditative processes in all their operations. A peace-building and mediation filter system can be developed for each sector, specific and contextual to its operations. Mainstreaming will assist by making these sectors the centers of peace-building and mediation and ultimately national healing and reconciliation. This would eventually flow into communities utilizing these epi-centers. Community structures can also be set-up as epi-centers for peace-building.

### **9.8 Systematic Counseling for Political Leaders**

The Zimbabwean Government leadership has some persons who were either perpetrators or victims of the conflicts and violence. By being in the same Government, this is no guarantee for their healing and reconciliation. One realization that needs to be taken into account is that as much as there is focus on the victims and perpetrators at community levels, there must also be efforts to address the perpetrators and victims in Government and community leadership structures. A lot of counseling and healing is therefore required for those in leadership. If any interventions are undertaken at community levels without addressing the leadership structures,



this can create potential for future conflicts. Government leaders including ministers, governors and party leaders and their structures all need attention.

### **9.9 Interventions Audits**

It will be prudent for CCSF to carry out an audit of what member organizations are already doing in the framework of national healing and reconciliation across the country. In some cases we found that members were frustrated as they were already doing something on the ground and yet CCSF was still in the process of trying to develop a position on the process. It would be progressive for CCSF to carry out a nationwide audit of what their membership is already doing on the ground and then try to build networks among them. CCSF could also come up with capacity and resource building for members who are already on the ground – where common ground can be established.

### **9.10 Advocacy**

CCSF should also consider employing advocacy mechanisms to encourage the appearance of the 3 principals to the GPA to have nationwide rallies and meetings where they jointly address and commit to national healing and reconciliation. As long as the 3 do not come up with one single voice for healing and reconciliation, our communities will remain divided. CCSF should advocate for commitment right from the top in order to allow the country to uptake the spirit and processes of national healing and reconciliation. This advocacy must also be taken to the media.

### **9.11 Public Forums**

In Mutare, the civil society office arranged for a public forum where citizens expressed their views, perceptions and feelings on national healing and reconciliation. From our regional visits we realized that people were still itching for platforms just to speak out and vent-out their emotions from the conflicts. It may be premature to expect such people to immediately rush into interventions for healing. There was still need for room for people to just express themselves. This would allow cooling of tensions as well as the attainment of emotional stability. If civil society and the Churches could facilitate such public forums before the outright consideration for interventions, this would assist in developing a sustainable and people-sensitive process.

### **9.12 Decentralization**

There were so many divergent issues that arose from the regions. There were also so many issues where there was no consensus among the regions. As such, it becomes difficult to write a single paper that represents the notions from all the regions. In such a case, it becomes more practical to decentralize this paper into the various regions. The regions also feel that the current centralization also compromises the reality of situations on the ground within their community structures. CCSF should seriously look at appointing research teams within the regions to come up with their own papers. This also becomes beneficial in addressing the tension realized in Bulawayo where the meeting was very emotional and laid on grounds of suspicion of the Shona-Ndebele ethnic tensions. In no uncertain terms, some of the participants expressed their dismay at consultants being appointed from Harare to come and write a paper on behalf of the Bulawayo and Matabeleland regions. They felt disempowered by such arrangements.

### **9.13 Balanced Information Gathering**

There is need to collect credible and accurate information on the conflicts in Zimbabwe. A lot of information was shrouded in political manipulation, rhetoric and propaganda. CCSF must acquit themselves as credible institutions that run on unbiased information and guidelines and neither must there be compromise of truth. The gathering of such information may therefore require more extensive researches, engagement with all political sides and their supporters, employing a full scope national healing and reconciliation program and transparently publishing all information and processes undertaken.

## **10.0 Conclusion**

This paper was presented from the findings of the nation-wide consultations as well as recommendations made by the consultant. The findings and recommendations of this paper may not be totally prescriptive but form a referral guideline and discussion paper for engagement by Churches and Civil Society in Zimbabwe. It is therefore presented and shall thereafter be discussed, adapted for implementation – with or without changes) - and might possibly result in actions.

The Zimbabwe situation requires urgent interventions and national healing and reconciliation must be handled from a moral rather than a mere political angle. However a well thought-out, strategic, comprehensive and all inclusive approach must be undertaken.

## Bibliography

### Books

Aseka, M. Eric. *Africa in the 21<sup>st</sup> Century*. Nairobi: Zapf Chancery Research Consultants & Publishers, 1996.

Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands. 1980 to 1988 (Harare, Zimbabwe: Catholic Commission for Peace and Justice in Zimbabwe and the Legal Resources Foundation, 1997).

Deng, M. Francis and Lyons, Terrence. *African Reckoning: A Quest for Good Governance*. Washington D.C.: Brooking Institution Press, 1998.

Hayner, Priscilla B., *Unspeakable Truths. Facing the Challenge of Truth Commissions*, Routledge, New York/USA, 2<sup>nd</sup> edition 2002

Hyden, Goran, Olowu, Dele and Ogendo Oketh, W.O. Hastings. *African Perspectives on Governance*. Asmara: Africa World Press, Inc, 2000.

Leedy D. Paul, Ormrod, Ellis. Jeanne. *Practical Research: Planning and Design*. Seventh Edition. New Jersey: Merrill Prentice Hall, 2001.

Mazrui, A. Ali. *The African Condition*. Cambridge: Cambridge University Press, 1995.

Nkomo, Joshua. *The Story of My Life*. Gweru: SAPES Books, 2001

Obasanjo, Olesugun. *Challenges of Leadership in African Development*. New York: Taylor & Francis, 1990

### Articles, Reports & Journals

Auret, Diana. "A decade of Development" (Gweru: Mambo/CCJP, 1990)

CCJP, Churches in Manicaland and Mutare Educators Association for Human Rights. "The Darkest Hour is Just Before the Dawn, Election Violence, Zimbabwe", 2008

Chung, Fay “*Education: Revolution or Reform*” (*Zimbabwe’s Prospects*)  
Global Political Agreement: Article 18, 15 September 2008

Jean Lennox. “*Paying for Health*” (UK: Oxfam, 1994) The Financial Gazette Newspaper, Zimbabwe 12 January 2008

The Financial Gazette Newspaper, Zimbabwe 12 January 2008

The International Crisis Group, Africa Report N. 97, 17 August 2005

The Sunday Standard Newspaper, July 12 to 18, 2009

UNHCR. “*Zimbabwe: Public downbeat about political agreement*” 22 July 2008

UNDP Report. “*The Many Faces of Displacement: IDPs in Zimbabwe*” 21 August 2008

United States Institute of Peace: *Special Report*: <http://www.usip.org>

Zhean Gwaze, The Financial Gazette Harare, 7 February, 2008

Symposium Report and Declaration: Civil Society and Justice in Zimbabwe, Johannesburg, South Africa, 13 August 2003 and the September 2008 report etc.

Zimbabwe Human Rights NGO Forum produced a document entitled, “*Exploring Transitional Justice Options in Contemporary Zimbabwe*” in January 2006.

Zimbabwe Human Rights NGO Forum Political Violence Report May 2009

## Websites

[www.ictj.org](http://www.ictj.org)

<http://www.kubatana.net/html/archive/demgg/070221rm.asp>

<http://www.newzimbabwe.com/pages/gukurahundiintro.htm>

<http://www.pambazuka.org/en/category/features/52363>;

<http://www.scitopics.com/Transitional-Justice.html>

<http://www.state.gov/r/pa/ei/bgn/5479.htm>

## **Interviews, Observations & Speeches**

Mugabe, Robert 1976.

Williams, Jenni. National Coordinator: WOZA. Interviewed by Human Rights Geneva, 7 November 2008

## Appendix 1: Methodology

The research methodology encompassed three forms of research and investigation as shown below:

1. Quantitative research based on indicators from the Focus Group Discussions held in the five main regions of Harare, Bulawayo, Gweru, Masvingo and Mutare.
2. Quantitative Research based on structured and unstructured interviews held with different persons and groups from across the country.
3. Qualitative Research based on statistical analysis of the perceptions of respondents to questionnaire.

### ***Research Aim:***

To gather, analyze and present perceptions, information and statistics from CIVIL SOCIETY members and Churches from across Zimbabwe and explore their desired pathway for National Healing and Reconciliation

### **Data Gathering Methodologies**

- i) Questionnaire – feedback from respondents

- ii) Observation – patterns in the behaviors and conduct of organisations, leaders and stakeholders.
- iii) Historical Research
- iv) Statistical Research – Global statistics indicative of behaviors and patterns.

**Data Analysis Methodologies**

- i) Questionnaire – Quantitative analysis
- ii) Observation – Qualitative analysis
- iii) Historical – Qualitative analysis
- iv) Statistical Research – Quantitative analysis

**Respondent Analysis**

A total of 184 persons participated in the research over a period of 37 allotted days. The respondents included urban, peri-urban and rural dwellers. The breakdown of participants is as given below:

Research Methodology	No. of Participants	% of Total Participants
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Focus Group Discussions	70	38
Structured Interviews	45	24.5
Unstructured Interviews	69	37.5
Total	184	100
<b>Analysis by Dwelling:</b>		
Urban:	70%	
Peri-Urban	8%	
Rural	22%	

## Appendix 2: Emerging Issues Region-by-Region

### 7.1 Gweru Region

The issues that came out of the Gweru meetings are as below:

- There is a need for CIVIL SOCIETY to appoint regional consultants and research teams who are resident within the regions to carry out this work. The national consultants would then collate the reports from the regions and allow interventions to be contextual and specific to the regions. The research and writing of paper must be decentralized as there are too many issues that are specific to regions which cannot be lumped into one national report/paper.
- CIVIL SOCIETY needs to strengthen the position of members in the Constitutional process so that we start by addressing the National Healing process from the constitutional perspective, rather than deal with the issue in isolation.
- Transitional justice - the judiciary system is not ready to handle this issue due to partisanship and therefore we may need to wait until there have been reforms in this sector. However if there is no transitional justice it means that the intensity of the conflict will increase in future.
- The GPA is a basic agreement; unless this is fully implemented there is no guarantee that any further agreements even in National Healing and Reconciliation will be honored by the political parties.
- The paper does not cater for research in the rural areas where the conflicts were more intense and therefore CIVIL SOCIETY must draw up a budget for a more comprehensive research which actually goes deep into the areas affected. The report must not be carried out in a few months as it is impractical to capture all the pertinent details in very limited time.

- Why is the CCSF and the Organ for National Healing and Reconciliation holding meetings in Bulawayo and Harare only – there must be an inclusion of all regions without allowing certain regions to represent other regions.
- Gender type of violence must be clearly included in the paper
- Statistics must not be based on what individual organization provides from their Harare offices. They must be based on research by teams that are within the regions.
- Missing persons that disappeared must be highlighted and named in the report
- CIVIL SOCIETY must work with member organizations to strengthen Civic Education as some communities across the nation are not even aware of what we want to achieve through this process
- The paper must mainly focus on post independence era

## 7.2 Bulawayo Region

- Gukurahundi is lumped-up with other atrocities – it must be clearly identified as one of the main conflict areas, the paper must dedicate a substantial section to this conflict
- Statistics in the paper are wrong and they must be derived from within the region by experts and persons working on the ground rather than to rely on indications from other NGO's especially those working from outside of the region.
- The paper must not be overly political, it must employ language and expression that is mild which can help heal rather than implicating.
- CIVIL SOCIETY Regional Executives must have looked at the paper first and had their input before it was taken to the regions
- The major drive of conflict is foreign interference and sponsorship and this must adequately be raised in the paper e.g. Sanctions, West/East issues, economic sabotage, land imbalances
- Entumbane era is not captured in the paper and may need to be comprehensively covered
- The paper seems to have no mandate on how CIVIL SOCIETY is going to move forward on this process, there is need to indicate this as people may be tired of interviews and discussions without a clear and practical way forward
- The paper must not be academic, but rather it must address practical issues which Zimbabweans can engage with and take action on.
- Transitional Justice: Lack of memorilisation process – true and accurate history of what happened especially the Gurkuraundi needs to be established first.
- CIVIL SOCIETY membership must already start drafting Policy framework for Transitional Justice and mechanisms, we must already be lobbying for the legislation we want passed in order for Transitional Justice to be undertaken.
- Do not engage a Church Pastor to write this paper as he may be too compassionate to deal with such sensitive issues; also include elderly and diverse persons in the consultancy teams
- People with disabilities are not adequately covered in the paper

- The consultancy team must be gender balanced and must allow the people in the Bulawayo region to carry out their own researches and write their own paper rather than appointing someone from Harare – this is a sensitive issue which no one must interpret on behalf of another (for example even in the Bulawayo region we need districts and ward teams to carry out comprehensive researches as these issues cannot be projected and represented at provincial level)
- The issues of arms caches found in ZAPU farms were deliberately “planted”
- CIVIL SOCIETY must encourage its membership to focus on building the future, right now everyone is focusing on what happened and nobody is painting the picture of the future
- Land invasions is not the right word – it is land redistribution (language must be employed to heal rather than to accuse)
- National Youth Service was politicized the system and this must be highlighted in the paper
- Cultural differences must be encapsured in the national healing and reconciliation process; we must address ways of dealing with these differences
- Corruption is a major issue of conflict and must be captured in the paper
- How are we going to collect the correct information? We must structure the process of this paper and our interventions? We must have ward, district, provincial, and national consultants/structures.
- What happens after this paper? What are we going to do? – CIVIL SOCIETY must paint the picture of where we want to go and how we will get there?
- Paper must also address the need to heal the “War Veterans” who were traumatized during the war and how we can engage with ZANU (PF) rather than alienate them. This is a healing paper and it must not politicize issues and thereby be aligned to a political party.
- Paper must deal with perceptions – the conflicts are embedded in the mind and the soul of people – the conflicts are not just physical.
- Transitional justice may not work immediately in the short term, but we may need to develop other proximate interventions that address the current conditions of victims who are currently neglected. Let’s not just focus on a national framework for now let’s focus on the things we can do for victims who are currently suffering under the effects of the conflicts.

### **Way Forward**

- Acknowledge and look at the fears and feelings of ZANU (PF) and try and address those.
- How do we ensure that ZANU (PF) becomes partners for peace – don’t start with land invasion but start with the basic issues of land appropriation that caused land invasion
- Let’s not limit ourselves to what happened in 1980 onwards let’s also acknowledge what happened to Mugabe during the war against him and other members of the liberation movements. Our healing must start with acknowledging the role that they played in the drive for independence.
- We must not engage activists but peace builders for the national healing process, the problem is people are coming in with so many different agendas and then ultimately we are not focusing on healing but resolving agendas.

- Sources of conflict are also due to lack of resources and the marginalization of Midlands and Matabeleland – therefore we need to start with a drive for constitutional devolution of powers (federal system of government)
- We must also speak about the violence that MDC exerted on ZANU (PF) and also intra-party violence (within both parties)
- We must mobilize people to participate in the making of a democratic constitution
- We must invite the organ for national healing and reconciliation and the traditional healers and other stakeholders into our meetings and not just CIVIL SOCIETY members
- We need to bridge suspicion between security forces and civil society by trying to have meetings
- We must make specialized copies of our documents for the disabled to have access
- The CIVIL SOCIETY process must be decentralized immediately

### 7.3 Masvingo Region

- The CSO's were not involved in the GNU negotiations and therefore it's difficult to demand a voice now – National healing maybe futile now
- The number of people who participated in the CIVIL SOCIETY paper are too few to give a national perspective; a budget must be availed for a more comprehensive and decentralized process for consultation and writing of the paper.
- Lets not rush things – this paper may not take a few months, so we need a more sustainable and permanent structure under CIVIL SOCIETY to deal with the issue of national healing and reconciliation.
- People with disabilities were excluded in the initial paper
- Specialized groups such as children, women, disabled, orphans and widows need special attention and mention in the paper
- Land invasions – tone down on the word “invasion” because paper needs to acknowledge the historical imbalances on the land issue.
- The paper must embrace a more tolerant tone that will heal the nation rather than exhibit political “hatred” for certain parties and persons
- Civil Society must urgently look at how we can support victims who are currently in dire need to attention
- The Chiadzwa Diamond field's events must be noted as an area of national conflict as well
- Whatever we record we must “name” and “shame”
- Lets develop an advocacy tool with this paper and be as much balanced as possible. Let's not attack but let's engage then there will be hope for a break through
- CIVIL SOCIETY and civic society must put more pressure on media reforms now as a way of addressing national healing and reconciliation
- Statistics in the paper must revised based on regional inputs from regional research teams and regional consultants.

- CIVIL SOCIETY must not focus primarily on writing a paper; there must be a comprehensive audit of what member organizations are already doing in the communities. CIVIL SOCIETY can then use this audit to link its members who are working in similar programs and create capacity and resources to support the work that is already being done.
- The issue of Children, women, widows, orphans and disabled persons must be highlighted in the paper
- Let's come up with SMART objectives and a plan with timeline on what we want to do rather than just an open-ended paper
- The role of the Organ for National Healing is unclear rather; we need an independent commission as outlined below:

- **The ideal “Organ for National Healing and Reconciliation” must be an Independent Commission:**

Who should be in the Commission?

*Criteria:*

Credibility, transparent, non-partisan, independent, capacity, historical experience, law, retired judge, right standing in society,  
Should be Zimbabweans ONLY?

*Must come from:*

- o Civil Societies
- o Churches
- o Politicians – but politicians must not lead

*Mandate*

- District, provincial structures to decentralize its work
- Acceptance, forgiveness and Reconciliation
- Investigate Human Rights abuses
- Remedial actions – refer cases for prosecution
- Lustration – making sure those found guilty do not hold public office ever again
- Call anyone to public witness
- Community based exhumations
- Community based memorilisation
- Community based processes

*Time Frame*

Period of investigation must stretch to pre-colonial, post colonial and colonial and post independence era

**Way Forward**

- We set up our own regional structure to deal with National Healing and Reconciliation under CIVIL SOCIETY

- We must engage more stakeholders in the region to engage in the process and development of frameworks
- We must carry out civic education and have our own forums continuously without waiting for Harare
- Compile our own statistics and issues in the provinces more widely and deeply across the region
- Church has not been co-opted in the regional meetings and the National Healing and Reconciliation process in the region
- We must not take too much time trying to come up with a paper.
- Our Constitution must highlight issues of Truth Commission, its appointment and its mandate
- Let's promote forgiveness

### **Mutare Regional Meeting**

- Add another conflict point – **Chiadzwa** over 300 people lost their lives, rapes, looting, property loss, displacement, corruption – National issue (conflict is due to resources, gold, (mining areas – where is the money going)? Foreign miners and investors are they not stripping our country of resources – this is a conflict. What are we getting out of our resources and who is benefiting?  
The forests of Manicaland are being burnt and destroying the natural environment.
- Government cannot spearhead national healing – ministers appointed are perpetrators or victims
- Children must be included in the report
- The government is not serious and the environment is not conducive for implementation we need to wait for a conducive environment – this government will not accomplish this process
- Paper must be mild and must not be accusative – tone down the language
- The vast difference between the rich and the poor in the country (class structures) need to be streamlined because this gap will be a source of future conflicts
- War veterans need healing from the war of liberation atrocities
- Dig deeper into history and investigate the root problems in these causes?
- This conflict we are in today is the same conflict that happened way back is the same conflict we are dealing with today? – Lets create a future, lets paint that future we want and as we dig the past we must also invest similar effort for the future.

- Youths are a key component of the conflicts in Zimbabwe and we need to reform the education sector in order to teach about peace building, human rights and the sanctity of human life.
- Specialized groups: youths, women, children, disabled persons must be included in the report
- The people who were sponsoring the violence must be the ones we start with in terms of healing

## Way Forward

- Churches and CSO are qualified on leading the process (some of the churches and CSO were also perpetrators and may need to be vetted)
- The national healing framework must be as outlined below:
  - o Ownership of process by the communities themselves
  - o Truth must be said
  - o Acknowledgement including confession
  - o Repentance
  - o Forgiveness
  - o Restorative Justice (reparations)
  - o Reconciliation
- CIVIL SOCIETY Eastern Region is creating a people's Forum to create debate and input on National Healing – people must talk and not have academic paper
- Land redistribution –those who are getting it now are not the original owners and so the original owners may want to claim it from those whom got it under re-distribution – this is the potential for next conflict
- The atmosphere is not conducive for national healing but what we can do for now is help communities recover – space is closed – there are areas where political violence is still in place and even increasing – how then can we have national healing now, rather let's focus on helping the victims as we wait for the space for Transitional Justice
- Let's also deal with the perpetrators – we need to engage the leaders themselves so that it starts from the top
- The three principals must also move around together talking about national healing – they must be involved. If it starts from the top then it will permeate to the bottom. They must not leave it to Sekai Holland, Gibson Sibanda and John Nkomo, the three principals must address joint rallies across the country promoting peace and national healing – that way it can give a lot of mileage.
- National Healing is a process and we must start it now, we may not reach the end but at least we need to start the process – let's not drop it off but we continue for as long as it takes – even if it takes 100 years
- When we look at the perpetrators, let's not just look at perpetration and not the root – this is where the answers for sustainable peace lie.
- National Healing needs legislation for the process to be undertaken seriously – without legislation it becomes a loose framework and relaxed approach – CIVIL SOCIETY must draft a bill and advocate for it.
- Show effects on women e.g. raped etc



## Way Forward

- Media reform is a necessity for National healing – this must happen prior to engagement in the National Healing process
- Multi-dimensional approach – intervention approach must be specific to different sectors e.g. Top guys, media, children, security sector, disabled,
- We must use Biblical approach by holding perpetrators to accountability before they are forgiven
- Let's take the 3 principals to come down and hold them ALL accountable for the process, and the 3 of them must hold joint rallies together to promote national healing. The president must go back to the words he spoke in 1980 together.
- The 3 leaders must:
  - o have public statement
  - o Hold joint rallies
  - o Commit not to reignite the conflict again
  - o Apologize for the conflicts in person and on behalf of their parties
  - o Show willingness to be healed just like any other and every other Zimbabwean needs
- Communities must be given real power to run process
- CIVIL SOCIETY must work through artists and drama for massive national campaign on national healing and reconciliation
- ZTV uses jingles for campaigns of “biras” and national events – why not use these for national healing
- Community based counseling, community dialogue programs and Pastoral counseling must all be initiated in communities under the support of CIVIL SOCIETY
- Truth and Reconciliation Commission must be established
- Raising awareness and civic education in the remote areas where they are subjected to propaganda and do not know the exact shape of events in the country
- CIVIL SOCIETY must carry out comprehensive investigation of all conflicts even without mandate from government just like the CCJP did in 1983
- Community based processes must be initiated without necessarily waiting for a national formal structure
- Lets ride on the world cup and show community football matches of the world cup and get documentaries to be shown before matches promoting national healing and reconciliation.
- Buy time on South African television time and play national healing programs since 65% of people in Zimbabwe watch SA TV
- ICT material production must be undertaken to promote National Healing
- Lets audit current processes by all stakeholders and create a database and create supportive mechanisms for what CIVIL SOCIETY membership is doing and create linkages and amass capacity

## Appendix 2