



Africa Programme Meeting Summary

Zimbabwe: Taking Transitional Justice to the Diaspora

HE Moses Mzila Ndlovu

Co-chair of the Ministry of National Healing, Reconciliation and Integration, Zimbabwe

McDonald Lewanika

Coordinator, Crisis in Zimbabwe Coalition

Primrose Matambanadzo

Chair, Zimbabwe Human Rights NGO Forum

Chair: Margo Picken

Visiting Senior Fellow, LSE

30 April 2012

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Primrose Matambanadzo:

Primrose Matambanadzo's presentation focused on the report carried out by the international office of the Zimbabwe Human Rights NGO Forum and covered some of the most salient issues that came out during the process of its creation. The Zimbabwean diaspora consists of 4 million people scattered worldwide, frequently as a consequence of human rights abuses. The speaker underlined some key observations.

First, the Zimbabweans who have fled due to human rights abuses need to be recognized as political asylum seekers. The true reason for their emigration needs to be acknowledged, since they are often viewed, even in Zimbabwe, as people who just decided to run, feeling uncomfortable in the context of the economic crisis.

Second, the émigrés' inalienable right to their citizenship needs to be respected. This point has been made in the context of a current debate on dual citizenship in Zimbabwe. Those in emigration, the speaker argued, feel disenfranchised and are being *de facto* refused their right to citizenship.

Third was the need for a 'credible, transparent and nonpartisan framework to be instituted for the uncovering of the truth about past human rights violations, justice for the perpetrators, provision of compensation to the victims, healing of communities and community driven memorialization, as well as respectful remembrance of those who were killed'.

The fourth observation was that there is a wide consensus within the diaspora surrounding the need for the reform of national institutions. A common feeling among Zimbabweans is that if the current situation remains unaltered, there could be no basis for reconciliation and no meaningful process of national healing.

Finally, the speaker pointed out that there is a strong need for equality between Zimbabwean citizens, so that those who reside outside of the country are no less respected than those within the country. This demand is an element of the Global Political Agreement, under which article 7 calls for the respect of equal rights of all citizens and formulation of policies that will attract the return of the diaspora to Zimbabwe. The speaker underlined that it is common to disregard the victims of human rights abuses. In the speaker's opinion, those in power fail to support those who have suffered torture and abuse, and that 'this situation is often worse for those within the diaspora.'

McDonald Lewanika:

The speaker decided not to go into detailed analysis of the historical context of the current situation, but to concentrate on the issues covered within the report. In his first general remarks, he observed that Zimbabwe is a difficult place, geographically distant, which has the consequence of making it tempting to think of situation there as acceptable. This is partly due to more dramatic events taking place around the world – endless killings in Syria have focused popular attention there. Developments in North Africa and the Middle East or atrocities in Swaziland have generally diverted popular attention from Zimbabwe, which is ‘falling off the radar.’ It is therefore troubling to focus international public opinion interest on Zimbabwe. Attention that the country received in 2008 is no longer there, although challenges remain. The amount of confusion on the ground, the complex reality and constantly changing situation makes any predictions, despite people trying to anticipate the development of events, improbable.

What is taking place in panellist’s opinion is redefinition of the authoritarian regime mechanisms, based on practices not experienced elsewhere before. Theoretical concepts of political science are unlikely to apply to Zimbabwe. Problems of impunity, state violence, transitional justice, these are issues that have been present in both pre- and post-independence Zimbabwe. This is a certain constant and cases of human rights abuses are not dependent on the nature of the government. These continuities have become characteristic of the political environment in Zimbabwe – especially of political violence. For the speaker a change in government ‘does not mean that there has been a change in a lot of other things’.

In post-independence Zimbabwe there was an expectation of much more fundamental changes, which did not materialize. The pessimistic conclusion was that most of the time, people fighting for freedom do not really know what they are fighting for, often becoming either the new oppressors or remaining oppressed. In the current context, issues of organized violence, torture and impunity as well as reform of national institutions are priorities. The speaker encouraged critical analysis of where Zimbabwe stands on these issues today. His opinion is that ‘we have not gone far enough.’ Especially, the problem of state incapacity to bring the perpetrators to justice remains crucial element of ubiquitous organized violence.

Regarding institutions, the speaker recognized several initiatives whose objective was to put new institutions in place and reform others. From the civil society perspective many of the elements of the so called inclusive governance remain an unfulfilled promise. In the speakers’ opinion, actions

that have been undertaken are not sufficient for a country with ambitions of a democratic change, and 'there is minimal national justice and minimal national healing.' Institutions are put in place and they are not being empowered in order to achieve their objectives. Transitional justice would, from the civil society perspective, mean putting the victim at the centre of that particular institution interest, whereas in Zimbabwe there is a situation in which not enough research and necessary preparations have been done in order to identify societal needs to ensure that some kind of healing takes place in the country.

The panellist concludes that as the reports objective is to bring transitional justice to those within the diaspora, it is an important initiative, because the diaspora is a fundamental element of the Zimbabwe social fabric. It is the return of the victims from the diaspora and the process of national healing that has to take place within Zimbabwe that will allow the country to move forward, towards a more democratic future. The speaker finished by asserting that 'Zimbabweans within and beyond the country need each other' and this report is the facilitator of that necessary dialogue.

HE Moses Mzila Ndlovu:

The speaker began with stating that 'the report is useful in understanding causes of political events in Zimbabwe.' Today one cannot argue against the fact that the realities on the ground in Zimbabwe are a far cry from the ambitions and aspirations of those who have fought for the country's independence in 1980s, the panellist himself included. The fight for independence, although important, might be considered a false start in a sense that independence has come before an institutional system has been imagined for; to govern prospective state along democratic standards and requirements. Current leaders are afraid of releasing the political power that they have gathered and to go against the aspirations of the liberation ideas.

Ideas put to some of the institutions, such as the Human Rights Commission, have therefore only been partially put into life, with the institution being created, but having no impact. Zimbabwe's false start is maybe best exemplified by the fact that the country, has been and remains, governed 'in the interest of particular few, and not the society as a whole.' This is partly due to the international community's indifference. There needs to be a review of foreign policies of former colonial powers towards Zimbabwe, as well as to look back to analyse policies of these countries, especially of the United Kingdom. Current problems of Zimbabwe are partly due to the irresponsible

policies of former colonial powers, which were able, through an analysis of political, economic and demographic data, to come to a conclusion, that serious risk and potential for large human rights abuses in Zimbabwe is probable and a real threat.

This being the general context, the panellist moved on to discussing the current situation and the contents of the report. The report responds to the aspirations of the civil society in Zimbabwe, especially regarding the issue of citizenship, and its status in the new Zimbabwe Constitution. It is important since the governing party ZANU-PF would like to outlaw dual citizenship for the reason of even further separating diaspora from the country. Issues of human rights, the creation of the Truth Commission and Commission for Reconciliation are elements of the Global Political Agreement in Zimbabwe. Article 7 of that agreement foresees the creation of mechanisms that will strengthen equality among citizens and allow more effective process of national healing. This agreement was a response of political leaders to the growing political polarisation of Zimbabwe. The members of the National Healing Commission, like the panellist himself, hoped that this agreement will allow members of the commission to dedicate themselves to the stated objectives without the 'need to ascertain genuineness of political leaders will.'

This however was not the case. Unfortunately, some politicians and members of the commission have responded by criminalizing the use of the fundamental commission's tool – direct contact with citizens and their contribution to the process. The commitment of those who have carried out the grossest human rights violations is obviously limited. As long as these people occupy top positions in the political system of Zimbabwe, the society and citizens need to base their hopes on transitional justice. It is the fact that some Zimbabweans share the commitment to human rights and similar values that makes the panellist hopeful of success.

On a final note, we can find some potential for positive change when we focus on the issue of new elections possibility. The current coalition is unstable and it is a popular opinion that it can fall apart at any time, leading to elections. The leading ZANU-PF threatens its coalition partner with such an outcome. However, in reality, there are many reasons for which these elections are unlikely to take place, and this has been proven with ZANU-PF calling for elections in November 2011 only not to have them at all. The reasons are, that the landscape has changed against ZANU-PF. Countries of Southern Africa have slowly been changing their position vis-à-vis Zimbabwe, even to the point that conflicts have emerged. This gives the coalition members a stronger negotiating position vis-à-vis ZANU-PF.

Of course, this does not exclude the possibility of elections, especially if internal dynamics favour such a decision. The threat is real, but we still have to act in order to pressure ZANU-PF, which loses power over time. Confidence that was there in 2009 is slowly turning into desperation, and the dynamics around the issue of human rights is contributing to this. This is due to the fear of those who have committed gross human rights violations that they may be brought to justice. For Zimbabwe, during the coming post-Mugabe period, 'we need a period of truth telling, which is the only way forward for the country. National healing is crucial, but that will take place only when ZANU-PF is out of power.'

Question 1:

How do you characterize the Zimbabwean diaspora? Is there any polarization along political, ethnic or other lines and has the violence in Zimbabwe been exported?

Primrose Matambanadzo:

The issue of conflict within the diaspora has been limited due to the fact that most of the participants in the survey have been asylum seekers, who have therefore specific political preferences, largely towards the opposition to ZANU-PF, but that is clear. Also, among professionals there has been little polarization, no conflicts, nor aggression due to such polarization of sympathies.

Question 2:

What is the nature of your claims towards the Zimbabwean government, given that the Third Wave of democratization has passed? Are these claims the same ones you made in the past, but dressed in new rhetoric of transitional justice, or are they different?

Primrose Matambanadzo:

Discussion on transitional justice is not new to Zimbabwe – it has taken place for at least a decade. We still have the same needs, not much has changed and there is still need for such particular improvement. So this discussion will continue.

Question 3:

Recently, during a trade fair, the president of Zimbabwe made comments similar to those which in the past have led to the Gukurahundi massacre. What is your opinion on these comments in the context of the national healing process?

Moses Mzila Ndlovu:

These are threatening statements, especially in a context where you expect to hear specific, technical information on the economy. It is true that such statements have been made before, mostly in territories of specific ethnic groups, clearly targeting people that oppose the president politically. This gives us information on the kind of support that the president actually holds. We need to treat such statements seriously. The international community should especially pay attention to how the situation develops and to the security of an average citizen, which is at stake.

Question 4:

How important is the SADC tribunal and what is being done to resurrect it?

McDonald Lewanika:

We put very little value into institutions in Africa. The initiatives against the SADC tribunal that have led to its ultimate shutting down, show that there needs to be more intergovernmental negotiations that will bring it back to operation. Unfortunately, our institutions are weak, disempowered and vulnerable.

Moses Mzila Ndlovu:

Revival of the SADC tribunal will not have the blessing of ZANU-PF which has lost two cases in front of it; and it is aware that it would continue to lose. Farmers opposing land confiscation would be a needless nuisance. The Zimbabwean legal regulations that allow the arrest, and consequent eviction, of any of the farmers that would have won a case in front of the SADC tribunal, creates incentives for the government to internalize the whole process. This situation might be approached through a combination of diplomatic efforts from surrounding countries based on the new political developments. The changing position of South Africa especially gives hope.

Question 5:

Was the Zimbabwe ambassador to the UK invited to the report launch?

Primrose Matambanadzo:

We have been seeking to meet the ambassador to discuss the findings, but there is still no official appointment for a meeting.

Question 6:

Is there solidarity among members of civil society in addressing the national healing process? Is there a way of taking this process to another level by empowering the grass-roots economically and through education, to help them have a voice?

McDonald Lewanika:

Definitely there is solidarity and unity of civil society organizations on the topic of transitional healing. There is normally a leading organization with experience in particular field that tries to guide others, supporting a common effort. There are at least two platforms through which this strong unity and cooperation of civil society actors is organized.

Question 7:

How do you characterize the Zimbabwean diaspora? How do you deal with issues of ethnic polarization?

McDonald Lewanika:

On the issue of polarization of diaspora and ethnic divisions, I do not believe there is anything we can do to address this problem. How methodologically to account for ethnic differences, etc.? Regarding the polarization, this is a very difficult question and problem. The ethnic question is impossible to run away from. Unfortunately, to a large extent we have ourselves reinforced ethnic divisions during early years of independence.

A (from the public):

To define the diaspora, we need to identify various groups within the diaspora: political, economic émigrés and professionals. During the discussions leading to the report, there was no visible polarization; in fact, there were strong opinions which related more to the technical aspects of mechanisms to be applied in order to address the transitional justice issue.

Moses Mzila Ndlovu:

Zimbabwe has been subject to a policy of enforced ethnical hatred and together the citizens of Zimbabwe have to work towards eradication of this problem.