7. The politics of knowledge in the emergence of the transitional justice industry in Zimbabwe: the case of the ‘Taking Transitional Justice to the People Programme’, 2009–10

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INTRODUCTION

This chapter reviews the Zimbabwe Human Rights NGO Forum’s (the Forum¹) ‘Taking Transitional Justice to the People Programme’. The Forum is a coalition of 22 human rights organizations in Zimbabwe providing legal and psychosocial support to victims of organized violence and torture. It has existed since 1998. In 2009 the Forum began the Taking Transitional Justice to the People Programme to motivate participation of the general population in addressing human rights violations and bringing closure to the egregious past in Zimbabwe. It was an outreach programme – the first of its kind in Zimbabwe – seeking to create a movement for transitional justice. The Forum asserts that ‘the programme aimed at taking [the] transitional justice agenda to the victims of past violations and establish[ing] the people’s understanding of and commitment to the [process]’ (Forum, 2010: 13) through discussions among Zimbabweans on the transitional justice options available and their preferences (ibid.: 13).

In this chapter, we demonstrate how transitional justice knowledge production can be commoditized and contested. It has been argued that many knowledge producers from the Global South, given the choice, would prefer not to use knowledge ‘raw materials’ from the Global North in their knowledge industries but rather prefer to promote their own knowledge production and products (Mignolo, 2009, 2013; Salvatore, 2009; Ndlovu-Gatsheni 2013, 2015a, 2015b) as a way of interrupting the ‘coloniality of knowledge production’ (Silova et al., 2017: 25). Consequently, there is a radical and growing movement of serious thought leaders and academic-activists in the Global

South which is promoting non-Eurocentric academia (Kancler, 2016).² Indeed, there is no shortage of African knowledge production mantras, such as ‘Made in Africa’ or ‘Making Evaluation Our Own’³ which, among others, have become banners of intellectual activism on the continent. However, in this knowledge production mill, there is in fact little local content being generated when compared to other knowledge production locations. This is mainly attributed to ‘disparities in terms of learning, teaching, and critical thinking that are most vital for the formation of democratic research communities’ (Raju, 2006: 155).

It is also not uncommon that in the hierarchy of knowledge in the South, ‘theoretical knowledge is often placed higher vis-à-vis academic activists/grassroots activists/practitioners’ knowledge [...] and yet [...] grassroots activists have critiqued theoretical abstractions for contextual irrelevance and inaccessible language, both metaphorically and conceptually’ (ibid.: 155). Further to this, scholars trained in the Global North see the simple and jargon-free work of Global South practitioners and activists as lacking rigour (Chilisa et al., 2016). This attitude undermines the possibilities of dialogue between grassroots activists and the scholarly community. Furthermore, it creates a hegemonic ‘constituency seeking approval of the other in the production of hierarchical knowledge, in this case practical knowledge from proponents of theoretical knowledge because then, no matter how unconsciously, one is still submitting to the dominant knowledge hierarchy’ (Raju, 2006: 155).

It is in this context that transitional justice knowledge production in Zimbabwe remains fractious and contentious. The scholars and practitioners trained in the law schools modelled along neoliberalist lines assert that the law must be considered as the backbone of transitional justice as it alone provides ‘an intransigent, unchanging response to periods of conflict’ (Bowsher, 2016: 63). This notion of dealing with the past has been adopted by an army of human rights activists (fronting transitional justice in Zimbabwe) who hail this brave new world in which the judicial system is used to call governments to order and to acknowledge any atrocities (Laughland, 2004, in Bowsher, 2016: 63).

However, this contrasts with the views of those who believe their thoughts have been shaped by their experience of the realities of a colonial and post-colonial violent past. In these quarters, there is mounting energy for the production of knowledge which they argue is African in value and moulded in the same spirit as the African ‘reinvention’ or ‘renaissance’. This is put forward as the ‘African resistance to the universalization of Euro-American thought and in particular the resistance by local researchers, scholars and policy analysts to the practice dominated by external [researchers] who are oftentimes ignorant of the context and values’ (Chilisa, 2015: 7).⁴

In the context of these debates, this chapter undertakes to dive deep into the dynamics of transitional justice knowledge production in Zimbabwe by ana-

lysing the knowledge production practices associated with the Forum's Taking Transitional Justice to the People Programme (2009–10).

KNOWLEDGE AND TRANSITIONAL JUSTICE

Knowledge Production

Knowledge, largely considered a social construct, is produced on the basis of humans' productive powers and evolution; and thus the 'genesis, existence, development and evolution of knowledge must be approached socio-historically' (Ghassib, 2012: 2). Rescher (2003) in *Epistemology: An Introduction to the Theory of Knowledge* defines knowledge through its modes (justified belief, propositional knowledge and inferentially accessible) and concludes that knowledge is a problematic entity. However, it can be seen as a rational enquiry and the search for the truth, as well as 'cognitive progress' where the mind will be able to explore the scientific enquiry (ibid.).

There is a definition of knowledge in *The Concise Oxford Dictionary* (1998: 753):

1. a) awareness or familiarity gained by experience (of a person, fact, or thing), b) a person's range of information.
2. a) a theoretical or practical understanding of a subject, language, etc., b) the sum of what is known.
3. true, justified belief; certain understanding, as opposed to opinion.

The first part of this definition is founded on philosophical empiricism, which views knowledge as that which can 'only be acquired through experience' (ibid.: 753). A group of such empiricists include David Hume, John Locke, Auguste Comte and Thomas Hobbes. According to their understanding, knowledge is lived and experienced, it cannot be abstracted or be theoretical (Rescher, 2003). Knowledge, however, can also be viewed as a 'person's range of information' and this is contradictory to the previous definition of knowledge ('awareness or familiarity gained by experience') (Biggam, 2001). In other words, the acquisition of knowledge is an active process; knowledge cannot be 'given' to anyone, 'as one would give a present, but that the receiver, in order to become knowledgeable, must become involved in the knowledge acquisition process' (ibid.: 3). It takes effort to be knowledgeable. As a consequence, knowledge can be situated, partial, scientific, cultural or religious (Starmans and Friedman, 2012) – that which 'does not reside in the impressions, but in our reflection upon them' (Murphy, 2007: 41).

In its minimalist form, knowledge can be 'understood as familiarity, awareness, or understanding gained through experience or study' (Tamene,

2015: 23) and where we talk of science, we have ‘organised knowledge’ (ibid.: 23). Social man produces knowledge as he produces life and survives (Ghassib, 2012). Technically, the production of knowledge was/is a way of life. Knowledge industries emerge as a way of protecting and advancing that way of life from the antiquity to the present (Santos, 2014). However, there are others who think that the emergence of a ‘knowledge industry’ is a feature of the modern age, the modern economy in particular (Ghassib, 2012: 7). It is no wonder knowledge has constituted the capitalist means of production – land, capital, labour and knowledge! (Mihaela, 2009) Unlike the pre-technology era, this age requires knowledge to continually revolutionize their production and navigate the contours of the information society. This knowledge cannot be based on practical acquaintance, such as that of the hunter-gatherers, blacksmiths, sailors or peasants, but central scientific enterprise that generates new needs (Ghassib, 2012: 8).

For the purposes of this chapter, we settle on the Kurzman (1994: 268) definition of knowledge, which says:

Knowledge is a special kind of belief that people believe is true. To know is to commit oneself to a belief and to commit oneself to the separate belief that the first belief describes an aspect of reality. Thus, there are two aspects to knowledge; I will call them the commitment-factor and the truth-factor.

This definition is eclectic in that it shows knowledge as something gained by all people, not necessarily by a subset of the society which has received a particular form of training. Rather, one needs to hold a particular belief and be committed to it to be regarded as knowledgeable. Thus, it is the members of that society that award you the badge of knowledge, not outsiders. This relational conception of knowledge interlinks with what many on the African continent call Ubuntu,⁵ where one exists because of others. It has been succinctly reflected in the phrase ‘I am because of who we all are.’ It has been applied in theology by the likes of Archbishop Desmond Tutu (2000), in politics by the likes of anti-apartheid icon and former South African President Nelson Mandela (1994) and in management by the likes of Professor Lovemore Mbigi (1997). Further, in the field of computer science, Linux has developed a software named Ubuntu which is developed and shared free of charge (Mugumbate and Chereni, 2019).

Taking this definition of knowledge as an object we also wish to reflect briefly on the nature of the knowledge production process in this chapter. These processes are exercises in navigating boundaries, gatekeepers and knowledge brokers. Like marketers, salesmen and retailers, these actors are a permanent feature in the knowledge production chain. This is particularly relevant when we consider the transfer of knowledge as a ‘collective, embod-

ied social construction' (ibid.: 2). Transitional justice is valuable and therefore its knowledge production is also to be guarded. In the context of the Taking Transitional Justice to the People Programme, the value of transitional justice was in its capacity to have traction with the donors who could fund the action at a time when such support was declining in other human rights project areas. Knowledge has a value and those who produce it protect it. Transitional justice knowledge production is subjected to similar gatekeeping processes as other knowledge products.

Transitional Justice

Transitional justice refers to a range of processes – which may be legal or non-legal, Western or traditional, national or quotidian – that a society coming out of a dictatorship, authoritarianism, occupation, repression or civil war may adopt to reckon with the past and address the legacy of past violence (Teitel, 2002). Because of its conceptual roots in the Western knowledge system (Hoogenboom and Vieille, 2010; Vieille, 2012; Sharp, 2014, 2015), and popular use after the Cold War (Lazzarato, 2009), it is often viewed as a neoliberal project which deploys 'an ever expanding range of mechanisms and institutions, including tribunals, truth commissions, memorial projects, reparations and the like to redress past wrongs, vindicate the dignity of victims and provide justice in times of transition' (Buckley-Zistel et al., 2014: 1). The United Nations Development Programme (UNDP) understands transitional justice to be a necessary process to 'foster national healing and break the cycle of violence' (UNDP, 2014: 1). Fletcher and Weinstein see it as the 'idea that in the aftermath of mass violence or periods of repression, societies need to undergo processes to address past harm to ensure a peaceful future' (Fletcher and Weinstein, 2018: 2). They point to transitional justice as 'unabashedly offering itself as a moral project, a ritual cleanse such that a community of interested actors – advocates, funders, policy makers, practitioners, scholars, and victims – is invested in its success' (ibid.: 2).

There is considerable emphasis on transitional justice as a panacea to divided societies. This can be seen in its elevation to being an essential item in a political settlement package, as we have seen in countries as diverse as South Africa, Sierra Leone, Liberia, Rwanda, Kenya, Tunisia, South Sudan and Uganda (ACHPR, 2019). However, the ever-present critiques of current transitional justice mechanisms in the Global South argue that it is 'top-down, formulaic, overly focused on international criminal prosecutions, limited to civil and political rights' (ibid.: 2). Its perceived Eurocentric approach is regarded as its weakness. In addition, most of the interventions to address the past have been state-centric (Robins, 2017) which is essentially top down, overshadowing the daily and localized processes that are organic to the people

affected by conflict (Fletcher and Weinstein, 2015). This has led transitional justice to be viewed by its critics as a project focusing on political expediency, leaving out victims from being central to the enterprise. Where claims of making victims central to the project have been made (Robins, 2011), this has been mainly a rhetorical exercise, with little success in directly increasing the satisfaction of the victims or their advocates (Robins, 2017).

BACKGROUND TO TRANSITIONAL JUSTICE IN ZIMBABWE

According to the Forum, transitional justice in Zimbabwe has been a continuation, by other means, of the struggle for human rights accountability in which Zimbabweans have been engaged since liberation (Forum, 2010). The brutal colonial edifice had stood firm and strong, continued through the horrors of the Gukurahundi⁶ (1980–7) atrocities in the Midlands and Matabeleland regions of Zimbabwe, where more than 20,000 people were killed and many more raped, maimed and displaced (ibid.: 3) at the hands of the national military outfit, the North Korean-trained Fifth Brigade. But the state maintained an official silence on these horrors such that this became a cause for concern (CCJP and LRF, 1997). The attempts to deny their existence and the lack of accountability by the state remain shocking. A commission of inquiry set up by the government to investigate the atrocities, called the Chihambakwe Commission of Inquiry (1984), did not result in a public report (HZT, 2018). It was only years later that the then President of Zimbabwe, Robert Mugabe, made a passing comment on the carnage as a ‘moment of madness’ (Chatham House, 2007). He never officially apologized.

However, it was thanks to the work of the Catholic Commission for Justice and Peace in Zimbabwe and the Legal Resources Foundation (CCJP and LRF, 1997), in *Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands, 1980–1988*, that the extent of the Gukurahundi atrocities was brought to light. This report remains the only published work documenting transcripts from more than 2,000 people interviewed on the atrocities in Zimbabwe after independence, giving *Breaking the Silence* an unchallenged monopoly over this area of knowledge.

Since then there have been a number of initiatives concerned with transitional justice, some of which have addressed the violations of the 1970s war of liberation, but none of which come close to the detail and profile of *Breaking the Silence*. These include a symposium held in Johannesburg in 2003 that was organized by civil society organizations from Zimbabwe and South Africa (Lesizwe, 2004). The symposium explored issues of redress, amnesty and impunity, and made strong recommendations for the establishment of a truth, justice and reconciliation commission (Chitsike, 2012). Subsequent efforts,

particularly by civil society organizations, have been directed mainly towards documenting human rights abuses, offering humanitarian and legal assistance to victims, and advocating for legal, constitutional and institutional reforms (Njeru, 2018). Discussions on transitional justice in Zimbabwe were also high on the agenda during the 2008 talks between the Zimbabwe African National Union-Patriotic Front (ZANU PF) and the two Movement for Democratic Change (MDC) formations (MDC-Tsvangirayi and MDC-Ncube) that were initiated by the Southern African Development Community (SADC) (Chitsike, 2012). These talks led to the signing of the Global Political Agreement (GPA) in September 2008 and culminated in the formation of a unity government in February 2009. The Organ of National Healing, Reconciliation and Integration (ONHRI) was set up to develop a policy framework for national healing (GPA, 2008). This was widely seen as an acknowledgement by the unity government of the need for a transitional phase; justice and redress were expected to follow (*ibid.*).

In 2009, the Forum secured some funding to take forward an 18-month programme on introducing transitional justice to the people. It was an exemplar in the sense that it was the only transitional justice project in Zimbabwe at the time (Njeru, 2018). The Forum had also noticed the lack of a national plan, policy or vision for transitional justice. This would have been impossible to develop during the one-party rule of ZANU PF because party members had too many skeletons in their closets for such a process to take place. The national plan had had to wait until a new constitution was agreed in 2013, which provided for dealing with the past in Section 252 (Constitution of Zimbabwe Amendment Act (No. 20), 2013). There was also massive state resistance to the initiative of transitional justice as exemplified by the level of dilution of its importance in the Constitution (*ibid.*), a state which was complicit in the majority of human rights violations and atrocities recorded in post-colonial Zimbabwe.

The Forum organized its programme under the title 'Taking Transitional Justice to the People'. This was an apt strategy and banner because transitional justice was new both as a concept and as a practice in the country. It was also an opportune moment to reach out to the people and communities, which hitherto were closed to civil society and political parties other than ZANU PF (Zhou, 2009). Thus, as we will discuss in the section which follows, the coming into effect of the GPA in 2009 opened a window of opportunity for transitional justice efforts in Zimbabwe.

THE GLOBAL POLITICAL AGREEMENT AND THE OPPORTUNITIES FOR TRANSITIONAL JUSTICE

The GPA was a political settlement resulting from political negotiations between MDC and ZANU PF after the 2008 elections that were marred by

allegations of stolen elections, political violence and other human rights violations across the country. These political challenges had accounted for numerous deaths, thousands of displacements, human rights violations and social suffering by many Zimbabweans (Zimbabwe Human Rights NGO Forum, 2008). The Forum reports that it documented 51 political violence-related deaths and more than 10,000 cases of other forms of human rights violations in 2008 alone (Forum, 2009: 51), and millions more were displaced. The finalization of the GPA in 2009 put the government into overdrive to meet the terms of that political settlement: the writing of a new constitution, and national peace and reconciliation.

The GPA presented the best opportunity up until that point for the people of Zimbabwe to discuss their violent past. Closing the accounts of the past was one of the conditions for the consummation of the GPA, but there was a lack of political will even when the ONHRI went about seeking the input of traditional leaders and civil society on finding lasting peace (CCSF, 2012). It was instead the Forum that seized this opportunity and set up its transitional justice programme. The conditions in the country, even though still polarized, allowed for the movement of people, including civil society, into areas that were hitherto 'no go', particularly in the rural parts of the country (Zhou, 2013). During this period, people began to open up about what had happened to them, naming the most responsible perpetrators and discussing what they wanted to see in terms of reparations. The Constitution-making process at the same time took advantage of the climate of deliberations to frame the provisions that would help to address the question of transitional justice.

The ONHRI, as a GPA deliverable, was intended to bring about peace and healing in a divided society. In its quest for a possible peaceful solution, the ONHRI immediately put in place elements of a transitional justice process. ONHRI did not, however, want to brand its work 'transitional justice', and neither did it want to be associated with the concept nor to confront the past in a manner that would encompass retributive elements (CCSF, 2009). Rather it pushed for models that would result in 'mild' restorative outcomes at the community and individual levels (*ibid.*). According to this formulation, the transitional justice models to be considered for Zimbabwe were not supposed to touch on collective responsibility which would involve the government and a number of high-level individuals. The approaches would be restricted to the communities, and would be characterized by localized rituals, reparations and accountability processes which had nothing to do with the state or certain individuals in the state (*ibid.*). The way ONHRI formulated its agenda for dealing with the past was somewhat pragmatic as it avoided provoking the wrath of the ruling ZANU PF and the then President Mugabe. This is especially relevant when we consider that the ONHRI sat in the Office of the President and Cabinet and its core staff were the alleged dreaded Central

Intelligence Organization operatives (CCSF, 2012). Therefore, any working approach which would put ZANU PF on the spot or demand accountability from the party and its, at times violent, members was not going to be part of their transitional justice conceptualization.

According to those in government and ZANU PF in particular, ‘peace’ was that which let sleeping dogs lie (CCSF, 2012). However, this was insensitive to the suffering of thousands of individuals and groups at the hands of the violent state system that Mugabe himself had presided over, and that he later described as a moment of madness. However, ONHRI still wanted to be a catalyst for a micro-level healing. Its leadership valued the sort of ritualistic processes, organized at individual and familial levels, not as a national project, or one that would hold leaders accountable. However, the way in which the ONHRI framed its work is noteworthy. Some of the key concepts of the transitional justice industry such as justice, reparations or accountability were deliberately left out of their vernacular. ONHRI called its mechanism ‘*Kusvutidzana fodya/ukukhumisana umlotha*’,⁷ a practice similar to one the First Nations in the Americas followed through sharing the smoking pipe (ibid.).

ONHRI believed that the Zimbabwean people identified with this mechanism as it was imbued with African practices of addressing the effects of violence at the communal level (ibid.). However, it did not want to be directly pushing for justice, retribution, reparations and accountability; pillars of transitional justice as espoused by the Forum. Thus, *Kusvutidzana fodya/ukukhumisana umlotha* became the government agenda, and Sekai Holland, the Zimbabwean Co-Minister of State for National Healing, Reconciliation and Integration in the Cabinet of President Robert Mugabe and Prime Minister Morgan Tsvangirai, championed this philosophy. She strongly believed that it had historical roots and organic linkages with the African culture in general and Zimbabwean practices in particular (CCSF, 2012). She also (without evidence) assumed that the Zimbabwean people would deliberately buy into this process without resistance or challenges (ibid.). All that was needed was to remind the people of it. However, the *Kusvutidzana fodya/ukukhumisana umlotha* philosophy was a project which died with Holland’s loss of her cabinet post in the 2013 elections, a victory for ZANU PF which led to the collapse of the GPA.

TAKING TRANSITIONAL JUSTICE TO THE PEOPLE PROGRAMME (2009–10)

In 2009 the Forum secured financial support in the form of a grant from the European Union to jump-start its idea of catalysing Zimbabwean communities into transitional justice discussions. The discussions were conducted under the auspices of the Taking Transitional Justice to the People Programme. The aim

of the programme was to take the 'transitional justice agenda to the victims of past violations and establish the people's understanding of and commitment [to]' the transitional justice programme proposed by the Forum (Forum, 2010: 13). This illustrates a key assumption of the Forum: that sustained discussions would naturally follow among ordinary Zimbabweans across the country and that people-driven transitional justice options and mechanisms would emerge, forcing the government to act.

Eighty-four constituencies were identified and targeted for the consultative meetings because they had experienced considerable incidences of violence. The Forum aimed at having 50 participants per meeting, representing various sectors of society. These included women, youth, traditional leaders, representatives of religious groups, political groups, government employees, victims of political violence, perpetrators of political violence, and any other group identified by the participants as relevant. All the meetings were facilitated by persons who were trained in transitional justice mechanisms. The groups of participants in each meeting went on to make recommendations for how to build peace and say 'Never Again!' to human rights violations (Forum, 2010).

At the end of this extensive programme, the Forum came up with numerous recommendations. First, it noted that women had been abused the most and needed to be given the opportunity to tell their stories as women, as opposed to being lumped together with everybody else. Second, though some traditional leaders were turned partisan by the ruling party, there was potential for reform to enable the traditional leaders to serve their communities effectively. Third, that electoral laws were needed to create a culture of peace and tolerance, not only during election time but all the time. Fourth, the government needed to consider ways of rehabilitating the youth and their families preferably making counselling the first step towards healing for youth. Fifth, any mechanism that seeks to achieve healing must provide reasonable compensation (Forum, 2010).

Although these extensive consultations took place to unearth transitional justice challenges in Zimbabwe, adoption of any notable transitional justice process by the state remains distant. Further to this, the Forum commoditized transitional justice and overestimated the Zimbabwean communities' willingness to play their role in participating as victims of political violence, viewing them as 'zealous' and ready to 'explode'⁸ into natural discussants of transitional justice and share their suffering.

Moreover, the Forum approached transitional justice work in Zimbabwe with a template, essentially a toolkit grafted from influential knowledge producers in the Global North whose standard operating procedures included a 'package of truth telling, justice, reconciliation, crisis management and stability' (Di Lellio, 2013: 3) as well as reparations. Taken as a whole, its transitional justice programme took the end goal of a liberal democracy as

a given. Some effects of this process can be observed. First, the brand of transitional justice was fixed ‘in contentious and paradigmatically partisan debates on the value, promotion and practice of democracy’ (Mohamed, 2016: 26). This was abused quickly by the ZANU PF government as a poisoned chalice for regime change. Second, it became the ‘handmaiden to the liberal project of homogeneity: creating liberal spaces and liberal citizens in order to colonize the furthest reaches of the globe with a “zone of peace”’ (ibid.: 37). Earlier, in 2008, Zimbabwean civil society in Harare had agreed on a similar template (Forum, 2010), also a scion of neoliberalism, which they promoted at any given opportunity. This approach made little sense to the people who had been exposed to state brutality. They wanted practical solutions to their lingering questions of compensations, reparations and ending impunity, which the Forum had difficulty in satisfying. For example, at a workshop convened by the Forum, civil society groups argued for

several non-negotiable minimum demands for a transitional justice process, which included: no amnesty for crimes against humanity, torture, rape and other sexual crimes and economic crimes such as corruption; no extinguishing of civil claims against the perpetrators or the state; comprehensive reparations for victims of human rights violations; no one should hold an official office who has been responsible for gross human rights violations and corruption; a credible and independent truth-seeking inquiry into the conflicts of the past which holds perpetrators to account and which provides victims the opportunity to tell their story; independent monitoring and reform of the operations and structures of the police, army, paramilitary, security co-ordination, administration of justice, food distribution and other organs of state involved in the implementation of the transition. (Forum, 2010: 12)

The template of principles was referred to as ‘fundamental principles’ of transitional justice and regarded as non-negotiable the following:

Victim centredness;
Comprehensive, inclusive, consultative participation of all stakeholders, particularly the victims;
Establishment of the truth;
Acknowledgement;
Justice, compensation and reparations;
National healing and reconciliation;
Gender sensitive;
Transparency and accountability; and
Nation building and reintegration. (Forum, 2010: 12)

The Forum’s approach to transitional justice, along with the government’s *Kusvutidzana fodya/ukukhumisana umlotha*, is an attempt at responding to the terrible past in Zimbabwe, characterized by cycles of violence since independence in 1980. However, limited success of these processes can be ascribed to

a number of factors. First, in neither of these two proposed response methods were consultations held with the people affected by the political violence when the intervention models were designed. Citizen participation at the formulation phase is central to the success of any programme (Molokwane and Lukamba, 2018). This lack of co-creation includes a risk of developing elite models of response to violence that systematically excluded women, poor communities and the marginalized for social, political and economic factors at the core of transitional justice. The elite transitional justice agenda has been described as focused on national and international human rights advocacy, while the local is focused on basic needs and political change that empowers them (Robins, 2010). As can be seen in one of the Forum's project objectives, 'training' the communities in transitional justice was considered to be a major output (Forum, 2010). This has the effect of both essentializing the communities and declaring the Forum as the repository of everything 'transitional justice' (Lesizwe, 2004).

Of course, the ONHRI tried to seek out the views of the people regarding the route to take, but it dismissed them (CCSF, 2012) and declared the *Kusvutidzana fodya/ukukhumisana umlotha* as the key strategy despite the limited evidence of popular support. This is typical of many public outreach programmes on transitional justice which the government has carried out, where it has sought views of the people but later disregarded them in the final output.⁹ This is also characteristic of the transitional justice 'expert' industry (Madlingozi, 2010) and in the Zimbabwean context there has indeed been a sort of 'transitional justice capture' by the elites who trained the communities. Transitional justice experts in this context missed a vital opportunity vis-à-vis the communities to 'engag[e] them as active citizens, whose capacity to think, to speak, to act, and to revolt is acknowledged and respected' (Madlingozi, 2010: 209).

Subsequently, following an elite-focused transitional justice design, in the Taking Transitional Justice to the People Programme the Forum portrayed itself as part of the international human rights movement, framing the encounter between expert and victim in a way that reproduced 'relations of inferiority and superiority' (ibid.: 213). While this was not necessarily an intention of the programme and its advocates, the Forum's programme outline in the Taking Transitional Justice to the People Programme testifies to this. In its outline, it intended to define transitional justice, not seeking to know what people had gone through or what they wanted. The facilitators spoke and the people listened, creating an asymmetry between those purporting to be knowledgeable in the transitional justice ways of knowing and those who were listening and 'learning'. This was detrimental to the victims as it flattened their agency and promoted trusteeship, i.e. the idea that others must represent or take up the cause on behalf of the victims (ibid.).

Notwithstanding the broader objective of the exercise, the Taking Transitional Justice to the People Programme became a programme of the NGOs, as well as an easy target for the vitriolic attacks of the government and ZANU PF for being part and parcel of a regime change agenda (*The Patriot*, 2019). There was a lack of understanding about transitional justice among the Zimbabwean political elite, who usually left it out of their critical political agendas (Draft Constitution, 2000). The report by the Forum (2009) on Taking Transitional Justice to the People, Volume 1 points to the extent to which Zimbabweans were not familiar with the technical transitional justice concept. Local knowledge production did not help, because there was nothing produced at that time to guide the narratives. The available literature seemed to replicate the Western models.¹⁰ This problem was worsened by the facilitators who were either ignorant of local mechanisms or did not see much value in them.¹¹ The Forum represented a specific view and claimed to have both the knowledge and courage to push for transitional justice. Other civil society organizations preferred to stand aside in scepticism and some in horror, knowing the extent of the government's vitriol. For the next four to five years, the Forum was the loudest voice¹² on the marketplace of ideas that is transitional justice, while others hushed and ducked, fearing the state. However, the Forum exploited this unique advantage to draw the frame of transitional justice on its own terms and to advocate for it. In its conferences on transitional justice held in Nyanga in 2012 and Johannesburg, South Africa, in 2013, the Forum was clear on what it wanted to see in the nature and content of transitional justice discussions that were to be held. It sought to see in Zimbabwe a process that was legalistic and which would meet the expectations of Western models lock, stock and barrel (Lesizwe, 2004). To maintain control of the transitional justice discourse and knowledge production beyond its doorstep, the Forum also established a civil society platform, the National Transitional Justice Working Group (NTJWG) in 2014¹³ where those interested in transitional justice in Zimbabwe could connect and discuss the (neoliberal) agendas outlined in documents such as the 'Declaration of the Civil Society and Justice in Zimbabwe' Symposium in 2003 in Johannesburg, South Africa (Lesizwe, 2004).

Following this consolidated position as a knowledge keeper and generator in the transitional justice landscape of Zimbabwe, the Taking Transitional Justice to the People Programme was organized along the following objectives:

1. Training

The overall purpose of the training component of the project was to create awareness among ordinary Zimbabweans on what transitional justice is about. The specific objectives included training participants on:

- (a) The nature and history of transitional justice

- (b) The aims and objectives of transitional justice mechanisms, and
 - (c) The options and challenges of transitional justice within the Zimbabwean context.
2. Consultation
- (d) The overall purpose of the consultative component of the project is to consult, collect and collate, from the people of Zimbabwe in areas that have historically been affected by politically motivated violence, informed public opinion on the desired transitional justice model to be adopted in the transitional setting.¹⁴
 - (e) The consultative meetings would be conducted shortly after the conclusion of the training and would draw participants from the training component of the programme.
 - (f) The training was aimed at empowering the participants to effectively take part in the debate on transitional justice.
3. Involvement and participation in the constitution making process
- (g) It was the Forum's belief and hope that the Zimbabwean public would be able to respond and debate on these and other issues more meaningfully for possible inclusion in the proposed new constitution when the public consultation sessions envisaged in the political agreement (Article 6.1.ii) started. It would be prudent to have an enlightened Zimbabwean public to engage such state-centric processes that are most likely going to exclude civil society. (Zimbabwe Human Rights NGO Forum, 2009: 3)

THE TAKING TRANSITIONAL JUSTICE TO THE PEOPLE PROGRAMME AS KNOWLEDGE PRODUCTION

The organization, including the pedagogy and content, of the Taking Transitional Justice to the People Programme was in itself a reflection of how deep-seated coloniality is in the knowledge system of Zimbabwe. Rounds of meetings were organized across the country where 'participants' were 'engaged' (Zimbabwe Human Rights NGO Forum, 2009: 10) on the concept and construct of transitional justice. There were 'facilitators' (ibid.: 10) who ended up being one-way presenters, since the participants did not have enough prior knowledge of transitional justice to meaningfully engage.¹⁵ The Taking Transitional Justice to the People Programme was essentially organized as a series of lecture presentations and a question-and-answer model, with limited exchanges or participant-centred pedagogy. Our observations in 2009 and 2010 confirmed that the facilitators used the bank method¹⁶ where they 'deposited' 'knowledge' which they would refer to when the need arose, i.e. when

the transitional justice movement had become strong. The lesson delivery was unidirectional – from the all-knowing men and women in suits, delivering their content in English, to the ‘spongy’ communities who were expected to absorb every word said, without question. This was indeed, ‘taking transitional justice to the people’ where the people were viewed as the passive recipients of knowledge. Moreover, there was a time pressure and the lectures sought to cover as much space as possible in the shortest possible time. The approach was supposed to be pre-emptive in view of the fragility of the environment.¹⁷ This meant that there was no time to reinforce the new concepts, relate them to the lived realities, reflect on them against the local and lived experiences and methods, nor even to present alternatives. The Forum teams met with their ‘participants’ over a day and then they would travel, possibly hundreds of kilometres, to the next venue.

The training module for Taking Transitional Justice to the People Programme was developed using core reference material developed by Western scholars, such as Ruti Teitel and Priscilla B. Hayner.¹⁸ There was very little reference to the local context by the developers of the training materials. Thus, the historiography of transitional justice was placed in the contexts of the Second World War, the Nuremberg and Tokyo trials and the horrors of Latin American authoritarianism, omitting the African stories and models of dealing with the past (Mutua, 2015). This resulted in a negation of local contexts and experiences, including the *gacaca* courts system in Rwanda (Molenaar, 2005); despite their imperfections, these could have found resonance with local Zimbabwean experiences. In addition, a lack of inclusion of discussion about African values or Ubuntu further narrowed the range of permissible versions of transitional justice for the participants. We assert that this reveals an implicit construction of the Zimbabwean experience as readable through the lens of the dominant paradigm of transitional justice, and the words of dominant Western scholars. Lack of attention to the specificities of Zimbabwean experiences of violence and healing can be seen in the use of examples from Latin America (Zimbabwe Human Rights NGO Forum, 2009) which, it was thought, would certainly fit, without much revision, in the Zimbabwean context (Lambourne, 2014). This ignored both the scholastic drive in Latin America, Canada and parts of Africa to seek ways ‘to decolonize, indigenize and imagine knowledge theory and practice ... that is inclusive of other worldviews and paradigms that are otherwise missing in the literature’ (Chilisa, 2015: 12) and the ‘African worldviews and paradigms and philosophical assumptions that inform ways of perceiving reality, ways of knowing, value systems and methodologies’ (ibid.: 12). This can be read as a form of epistemic violence of a dominant knowledge system ‘which has no methodology for dealing with the other knowledge system’ (Smith, 1999: 61) and in line with many other current knowledge pro-

duction processes (Zezeza, 2007) which are a 'systematic way through which the West reaffirms its power as a centre of legitimate knowledge' (ibid.: 62).

A review of the pedagogics, methodology and content of the Taking Transitional Justice to the People Programme shows that the Forum at some point elected to rely on 'Eurocentric models and techniques' which often provided 'inadequate assessments, wrong principles and flat [interventions]' (Chilisa, 2015: 13). This can be partly explained by a desire to minimize the risks associated with experimentation in such a fragile context. Thus, the Forum became a strict gatekeeper, brokering for the Northern knowledge producers which were also the market of the produced 'data, regional knowledge, and linguistic expertise' (Streicher and Amir-Moazami, 2016). As a result of these blind spots, the Taking Transitional Justice to the People Programme did not confront the telling questions that could be at the core of the coloniality debate as far as transitional justice knowledge production is concerned, such as the determination of who sets the agenda, the contents of such an agenda, the temporality, the actors, methods, interpretation of findings, etc.

At the time of the Taking Transitional Justice to the People Programme there were no possibilities of finding spaces for African voices or culturally relevant approaches in the transitional justice debate. A review of scholarship that impacted the thinking in Zimbabwe at the time shows that in the design of its project the Forum chose scholarship from outside of the continent (Chitsike, 2012). In fact, the culturally rooted debate was never started because those expected to lead or defend it were 'black masks-white minds'¹⁹ elites, firmly grounded in Western worldviews who cared less about the contributions of indigenous knowledge systems in transitional justice than just reading about it in Western literature. The bank method used in the Taking Transitional Justice to the People Programme did not, in any way, foster a restructuring of power relations in the globally constructed transitional justice knowledge production, such that the ordinary communities can actively participate in the construction of what needed to be dealt with, when it will be dealt with, by whom and with what methodologies. It was the usual unidirectional method – knowledge flowing from the university trained, knowing elites to the community members whose supposed ignorance was conditioned and worsened by years of brutalization by the ZANU PF regime. Thus, the Taking Transitional Justice to the People Programme assumed a 'missionary' responsibility of bringing the 'word' to the 'people' of Joseph Conrad's 'Dark Continent'.²⁰ To this end we assert that the project did not make an authentic call for Afro-centric approaches, to the values that are 'culturally relevant and indigenized [transitional justice] processes and methodologies predominantly informed by African worldviews and paradigms' (Chilisa, 2015: 14).

To its credit, the Forum appeared to realize this challenge later and conducted the Transitional Justice National Survey in 2011, which was used to take the

pulse of the nation on the issue of transitional justice. It is the outcomes of this survey which were instrumentalized during the constitution-making process to drive the advocacy for the inclusion²¹ of dealing with the past provisions in the new Constitution that came into being in 2013. So, in essence, the Taking Transitional Justice to the People Programme is akin to putting the cart before the horse and it is not surprising that the product borrowed its spirit from the aforementioned Western models. Explaining this phenomenon Bowsher (2016: 45) says that the

purpose of transitional justice might be better understood in the larger context of global forms of neoliberal governance, constituted as a set of knowledges, strategies and practices made by institutions like the UN, IMF, the World Bank as well as credit ratings agencies, NGOs, national governments and so on. It is a case of relating transitional justice to contemporary neoliberalism, which should itself be understood as a globalised project of governing.

A further review of the Taking Transitional Justice to the People Programme demonstrates how it did not attempt to build the capacity of African policy analysts, researchers and activists to enable them to carry out their own work on transitional justice; nor did it attempt to adapt the borrowed models, tools, instruments, strategies and theories to ensure their relevance to the local conditions and the development of novel practice, theory and methodologies emanating from local cultures, indigenous knowledge systems and African philosophies and paradigms. Naturally there was no enthusiasm for blending what was in their toolkit with the local ways such as storytelling, memorialization and traditional reparations, because none of the members of the Forum who fronted the programme had had experience with such models. In addition, there was very little reference to lessons learnt from the regional models such as *gacaca* of Rwanda or *mato oput* of Uganda (Allen and MacDonald, 2013) perhaps because they are too often viewed as ‘customary, vague, informal, community-based, grass-roots, indigenous’ and ‘other kinds of justice provisions’ (ibid.: 2).

In its design, most of the facilitators of the Taking Transitional Justice to the People Programme were lawyers trained in the adversarial justice system, which sees the perpetrator as a violator of international humanitarian law needing to be punished. In the delivery of their transitional justice content, these facilitators made very little reference to the ‘participant families, history, clan or totem or their deep knowledge of indigenous knowledge’ (Muwanga-Zake, 2009: 418) and instead made more reference to cases that stood before the justice system, and various tribunals. In the Ubuntu framework, there is mutuality and sharing of the physical and spiritual elements between the living and the dead. Each depends on the other and humans are a totality of the spiritual and living forces.

These qualities could not be regarded as present in the Taking Transitional Justice to the People Programme since it was essentially uprooted from the tenets of Ubuntu. For instance, while presentations were code-switching from English to Shona and back in some instances, this resulted in the loss of important nuances from the African languages and communications which convey rich meaning, such as gestures, glances, thoughts, values, riddles, emotions and attitudes. As a result, the process did not result in a fairness – a balanced representation of the multiple voices of all stakeholders – where the ‘elderly, women, spiritual leaders, victims and perpetrators of violence, traditional leaders’ (Chilisa, 2015: 24), uneducated and other people were able to be heard.

Finally, the Taking Transitional Justice to the People Programme did not directly address gender-specific concerns in a way which would bring ‘gender inequality, discrimination, and gender-based violence into the public eye’ (Muddell and Hawkins, 2018: 6). This worked in perpetuation of what women in Zimbabwe experience daily such as insufficient ‘representation or opportunities for participation within accountability, acknowledgment, and reform measures’ (ibid.: 7). This has led to serious flaws in the programme. Besides ignoring women’s stories in the programme design, shortcomings such as ‘underreporting of certain violations; policies and procedures that make it difficult for women to participate in transitional justice processes or access benefits’ (ibid.: 7) became rife. The Taking Transitional Justice to the People Programme findings reflect only a partial understanding of the full impact of violations on women and under-representation of sexual and gender-based crimes in the social narratives. This is a design challenge at the core of the programme and results from a ‘lack of sufficient knowledge and understanding to implement processes in ways that encourage women’s participation and adequately address both gender-based violations and the gendered consequences of human rights violations’ (ibid.: 7). The Forum had neither a strong engagement with women nor a ‘solid understanding of how and when violations have affected men and women differently’ (ibid.: 7) and that is why the Taking Transitional Justice to the People Programme did not successfully contribute to a strong knowledge base for all Zimbabweans to pave their way forward.

CONCLUSION

There is a temptation to view the Forum constructing and executing its Taking Transitional Justice to the People Programme in an exclusionary way, tendering a universalist, ‘one shoe fits all’ framework which marginalized alternative processes. This crucifies the Forum for a matter which is not entirely of its own doing or under its control. This view tends to overshadow the decades of hard work in the documentation of human rights violations and advocacy. Of course,

if the Forum was exclusionary, it is because it was responsible for a process that reproduced hegemonies of knowledge production. There was need for the Forum to borrow from the West in its formulation of transitional justice, but in doing so it was, we argue, obligated to remain cognizant in its design that the Western models of transitional justice ‘entailed normalizing a form of rationality and historicism that located Europe as the only sovereign subject of history, modernity, and universal reason’ (Streicher and Amir-Moazami, 2016: 3). In light of the Taking Transitional Justice to the People Programme, there was a need to emphasize practices that engage with other ways of knowing, other forms of social life and religious practices without replicating the North as their theoretical skeleton. Following Walter Mignolo’s formulation of the decolonization option, to undo and overcome the colonial and imperial aspect by turning to local experiences and needs in knowledge production that are uncoupled from the colonial matrix and power (Mignolo, 2013) would benefit the construction of a comprehensive transitional justice programme in Zimbabwe.

NOTES

1. The Zimbabwe Human Rights NGO Forum was set up in 1998 after ‘spontaneous food riots in major cities’ (Forum, 2010: 5) when the hungry working class went on a rampage in the streets and high-density suburbs, looting shops (ibid.: 5). The police and the army reacted with brutal force against the rioters and eight people were killed, many others were wounded, arrested and tortured (ibid.: 5). This led to the formation of the Zimbabwe Human Rights NGO Forum with a mandate to respond to the human rights crisis that had been created by the brutal response to the rioters. The Forum became an umbrella platform of Zimbabwean civil society organizations that sought collective action to reduce the violations of human rights and push for accountability in Zimbabwe. Since 1998, the Forum plus a number of its partners and member organizations have been working towards creating a climate of accountability for human rights abuse in Zimbabwe (Forum, 2011). The Forum collected information on and documented human rights abuses through a monthly report called Monthly Political Violence Report (MPVR) which served as an authoritative source of information on the state of human rights in Zimbabwe before 2009 (Forum, 2010). Based on this past, the Forum became the only trusted entity, even among its members, which could bear the lifting of the transitional justice banner at that auspicious time in Zimbabwe. After a civil society workshop in Harare in 2008, the Forum was ‘mandated to lead the full implementation of resolutions’ (Forum, 2011: 8) of a ‘commitment to a victim-centered, inclusive, comprehensive, and consultative process to achieve transitional justice’ (ibid.: 8). Thus, the Taking Transitional Justice to the People outreach programme was the Forum’s first community-based work outside the court action and international advocacy. In following years, the Forum was involved in many community activism activities on human rights, transitional justice, peacebuilding and post-conflict transformation. This includes its critical role in the Church and Civil Society Forum work on dealing with the past, the setting up of the National Transitional

Justice Working Group, and international campaigns for human rights at various fora.

2. Having said this, if this chapter is predominantly Western in scholarship it is only a pointer to the paucity of the knowledge industry in the area of transitional justice in the Global South.
3. 'Made in Africa' and 'Making Evaluation Our Own' are mantras developed and popularized by the African Evaluation Association (AfrEA) to motivate a drive for the budding African crop of evaluators to continue to fledge and develop self-belief.
4. AfrEA is one such frontier pushing for 'Made in Africa' ways of generating knowledge which is ideologically African. Other examples include the Council for the Development of Social Science Research in Africa headquartered in Dakar, or the African Transitional Justice Research Network coordinated by the South African organization Center for the Study of Violence and Reconciliation.
5. Nguni Bantu term meaning 'humanity'. It is often translated as 'I am because we are', or 'humanity towards others'.
6. The Gukurahundi was a series of massacres of Ndebele-speaking people and moderate Shona civilians, carried out by the Zimbabwe National Army from early 1983 to late 1987, for being members or supporters of Zimbabwe African Peoples Union (ZAPU) or its military wing Zimbabwe People's Revolutionary Army (ZIPRA) (CCJP and LRF, 1997).
7. Forgiving each other.
8. View of one of the facilitators in the Taking Transitional Justice to the People Programme, 2009.
9. Minutes of the meeting organized by the National Association of Non-Governmental Organisations (NANGO) to discuss the ONHRI/CCSF 2010 outreach report on dealing with the past in five provinces of Zimbabwe.
10. See also Moyo (2014).
11. Unpublished Forum training programme outline.
12. Other voices include CCSF, the Ukuthula Trust and Masakanene Trust. These chose to be low-key on the transitional justice issues but opened up years later.
13. See <http://www.ntjwg.org.zw/ntjwg.html> to learn about the NTJWG's mission and values.
14. There seems to be a contradiction between claims in the objective and what was experienced. In practice, there were no consultations; rather, teaching the communities about Western transitional justice models.
15. In later research carried out by the Forum, the Transitional Justice National Survey, 2011, the startling discovery was made that 82 per cent of the Zimbabwean people had no concept of what 'transitional justice' refers to and 74 per cent had not heard of the ONHRI and what it stands for (Forum, 2011: 12). The irony is that the majority of the people who were reached in the Taking Transitional Justice to the People Programme survey had been 'trained' on transitional justice by the Forum between 2009 and 2010.
16. This is a teaching method where knowledge is simply 'deposited' with the recipient with the expectation of the pupil being able to reproduce it when needed in future.
17. Minutes from project design workshop (March 2009) organized by the Forum.
18. Field notes of Shastry Njeru, 2010.

19. A constellation of black intellectuals and activists who struggle to denounce and contest the effects of racism on their lives and minds but choose to reject everything black and cherish Western culture (Fanon, 1952).
20. Joseph Conrad's novella is actually entitled *Heart of Darkness* (1901). It depicts the brutality of imperialism and the inhumanity of colonialists.
21. Pursuant to section 3(1)(a)–(j) of the Sixth Schedule, the Schedule and a number of (sections of) chapters of the new Constitution come into operation on the publication date – 22 May 2013. Section 3(2) provides that the remainder of the Constitution comes into operation when the president elected in the elections assumes office – the effective date. Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe], 22 May 2013, accessed 18 June 2019 at <https://www.refworld.org/docid/51ed090f4.html>

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