

# **Root and Branch, Tree of Life: Sowing the Seeds of Grassroots Transitional Justice**

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10 March 2010

## **Introduction**

Zimbabwe's acute need for justice and reconciliation highlights a longstanding tension in transitional justice practice. The need for transitional justice processes in Zimbabwe has been clear since at least 2003, when Zimbabwean civil society articulated an ambitious set of transitional justice objectives in the Johannesburg Symposium.<sup>1</sup> Yet nearly seven years later, this agenda remains in limbo, stranded by the failure to find a political solution that might loosen the grip of perpetrators on the reins of power.

Practitioners and theorists assume that transitional justice cannot proceed until the individuals most responsible for rights violations cease control of crucial state functions, including the police, military and judiciary. This assumption has the ring of common sense – you cannot expect the chief of police to cooperate in his own arrest and prosecution.

Yet this singular focus by international observers on international crimes and concomitant national or international accountability can be to the detriment of more modest, local strategies that focus on community level reconciliation, dialogue and accountability. This essay outlines emerging grassroots reconciliation strategies in Zimbabwe, which suggest that in situations of ongoing violations in which international criminal accountability for gross violations remains out of reach, transitional justice advocates should bracket international crimes until more propitious circumstances prevail. In the meantime, advocates should promote non-state, locally developed programs to promote community healing and reconciliation, which in turn lower the stakes of future political contests.

## **Background: The Zimbabwean Crisis**

The contemporary Zimbabwean crisis is broadly characterised by a violent campaign to retain political power on the part of the Zimbabwe African National Union (Patriotic Front) (ZANU [PF]). While the immediate crisis comes in the face of widespread popular dissatisfaction with thirty years of repressive single party rule, economic collapse, and a potent electoral challenge from the Movement for Democratic Change (MDC) the roots of the crisis, however, can be traced back to the liberation struggle of the 1970s and still further back. Since 2000, widespread political violence has marked each election; following parliamentary elections in 2005, the government launched the Murambatsvina campaign of evictions that affected 700,000 people.

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<sup>1</sup> See Themba Lesizwe, *Civil Society and Justice in Zimbabwe, Proceedings of a symposium held in Johannesburg, 11-13 August 2003*, Pretoria: Themba Lesizwe (2004).

In September 2008, ZANU (PF) and the MDC signed the Global Political Agreement (GPA), giving birth to a Government of National Unity (GNU) that nominally shared power between the parties. Nonetheless, the record of the GNU to date indicates that ZANU (PF) has retained power in the all-important areas of security and law enforcement, making a bare minimum of concessions to the MDC.

In this context there are serious obstacles to many transitional justice objectives. For example, there will be no prosecutions of ZANU (PF)-affiliated perpetrators of political crimes as long as both the senior police leadership and the Attorney General owe their allegiance to that same party. Similar concerns are raised about truth-telling, reparations or lustration. In a climate of ongoing political violence, participants in any such process must fear reprisals, and there is concern that powerful perpetrators may dig their heels in or even instigate further violence in an effort to retain the protections and privileges of power.

But doing nothing – optimistically awaiting a successful political settlement – is indefensible in light of the ongoing violence and deepening trauma. Southern African Development Community (SADC) leaders have shown no stomach for enforcing political reforms in the country, making only token gestures at relaxing President Mugabe’s iron grip on power. Political violence abated somewhat in 2009 following the GPA, but it could quickly return to epidemic levels, particularly when elections are called – probably in 2011, though Mugabe may call a snap election sooner. There have been reports that ZANU (PF) youth militias have been redeployed in rural Zimbabwe to influence the outcome of the constitutional review process and the election.<sup>2</sup> Meanwhile, the GNU has emboldened some MDC supporters to exact revenge against their erstwhile abusers.<sup>3</sup> One third of Zimbabweans have experienced politically motivated threats or intimidation and 12% have experienced politically motivated assault.<sup>4</sup> Unaddressed, the mental health consequences of this trauma worsen over time.<sup>5</sup> Waiting for political parties to take the lead in reconciliation is unrealistic.

The persistence of the Zimbabwean conflict in the face of the weak political settlement presents severe obstacles to transitional justice programs. However, the urgent need for transitional justice is underscored by the extent of trauma among Zimbabwean civilians, and the potential for the perpetuation of this trauma through revenge crimes, the increased political polarisation of youth, and the entrenchment of violent political engagement as a norm.

## **Transitional Justice During Conflict**

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<sup>2</sup> <http://www.timesonline.co.uk/tol/news/world/africa/article6896171.ece>;  
<http://allafrica.com/stories/200907201640.html>

<sup>3</sup> Institute for War and Peace Reporting, *MDC Supporters Take Revenge*, 25 February 2009, ZCR No. 182, available at: <http://www.unhcr.org/refworld/docid/49a79dff1a.html> [accessed 7 February 2010]

<sup>4</sup> Freedom House/MPOI, “Public Attitudes Towards Transition in Zimbabwe,” 11 December 2009.

<sup>5</sup> “Acute versus Chronic effects of Organised Violence and Torture: Comparing the Victims in Contemporary Zimbabwe with the Survivors of the Liberation War,” Harare: Research and Advocacy Unit (RAU), February 2010.

Faced with this tension, and despite little public action by international NGOs, Zimbabweans have sought novel paths to reconciliation. Both civil society and the compromised state are shaping transitional justice concepts. The GNU has created the Organ on National Healing, Reconciliation and Integration,<sup>6</sup> although to date it has maintained a low profile while undertaking a series of consultative meetings with traditional and civic leaders. Its prospects of becoming a powerful advocate for transitional justice, however, are hampered by its location within the office of the President, its limited budget and extremely cautious work, and the recent promotion of ZANU (PF) Minister John Nkomo from the Organ to the office of the Vice President. If Zimbabweans invest their hopes for justice in a body that remains co-opted by ZANU (PF), they may become frustrated and disenchanted with the entire transitional justice project.

### **Grassroots Transitional Justice**

With little prospect of centralised state support for effective justice or reconciliation initiatives, Zimbabweans have seized on decentralised modes of transitional justice. A diverse array of civic, church, traditional, business and community bodies have taken advantage of the slight easing of the security and political environment afforded by the GNU to begin reconciliation programs, adopting a politically neutral community-based approach.

The grassroots programs, strikingly similar in structure, have modest goals. They eschew attempts at reparation or punishment in favour of restoring a modicum of tolerance and dialogue in divided communities. The programs provide a forum for participants to speak out in small groups of their peers about their experience of trauma, including political violence. Critically, these organisations engage both perpetrators and victims, recognising the complex intermingling of roles in which militia members may have been beaten and intimidated into attacking others and ZANU (PF) supporters may have been the victims of revenge crimes. Many Zimbabweans have experiences of abuse dating from the liberation and Gukurahundi periods.<sup>7</sup> Political operatives from outside the community are often the instigators of political violence that leaves communities fragmented long after they themselves leave.

MDC Minister Sekai Holland of the Organ on National Healing has begun advocating community-based reconciliation programs mediated by traditional leaders, citing a cultural model dubbed *kusvitisana fodya*, under which perpetrators and victims would discuss and resolve their grievances before sharing tobacco in a sign of their reconciliation. This model is problematic, as many traditional leaders are viewed as

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<sup>6</sup> Article 7.1.c of the Global Political Agreement provides: “The Parties hereby agree that the new 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 in respect of victims of pre and post independence political conflicts.”

<sup>7</sup> “Gukurahundi” refers to a period of military repression in the Matabeleland region during the 1980s.

compromised by their complicity in political violence. Given their historical stature, however, traditional leaders are a necessary component of the reconciliation process.

### **Tree of Life**

The work of the Tree of Life (ToL) organisation illustrates the potential for innovative community-based reconciliation processes tailored to the Zimbabwe crisis. ToL began conducting workshops with Zimbabwean victims of political violence in South Africa in 2003, and has since conducted workshops across Zimbabwe, focusing on hotspots of political conflict in both urban and rural areas. ToL workshops take place over two to three days, consisting of a series of circles (*dare* in Shona) that are organised around the analogy between individuals in a community and trees in a forest. Participants discuss their roots (ancestry), trunk (childhood), leaves (important features) and fruit (family and future plans), and explore the benefits of diversity and collective action.

Working with one facilitator to four participants, the *dare* agrees at the outset on rules of conduct, including the use of a “talking piece.”<sup>8</sup> Participants, who are typically selected by community bodies rather than ToL and may include both perpetrators and survivors, share meals and where possible share accommodations. The workshop includes discussion contrasting hierarchical and cooperative forms of power and, crucially, a “trauma circle” in which participants are invited to describe their experiences. Contributions often include a wide range of experiences including familial traumas and historical grievances as well as political violence, reducing the political stakes of the workshop. ToL has successfully maintained a neutral political position in the eyes of ZANU (PF) by framing its work as “community healing and empowerment,” disavowing any justice agenda. Indeed, in some districts, government District Health Officers have endorsed ToL workshops.

ToL provides effective and cost-efficient means of beginning the process of community reconciliation. ToL has leveraged its minimal staff, extending its range by forming a broad network of partner organisations that run the gamut from religious to business associations. ToL trains members of these partner organisations to conduct workshops alongside ToL facilitators, increasing ToL’s reach and legitimacy within communities, and allowing organisations to adapt ToL strategies to fit their constituencies. Facilitated by Zimbabwean survivors of political violence, ToL workshops do not require clinically trained counselors, and reach more survivors than individual counseling. The workshops outcomes deserve further documentation, but research to date indicates their efficacy in reducing self-reported levels of trauma, and participants frequently describe a renewal of community ties and trust attributed to ToL.<sup>9</sup> At the close of a workshop I observed,

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<sup>8</sup> A “talking piece” is an object held by the current speaker in a circle, requiring that other participants listen without interruption until the object is replaced by the speaker in the centre of the circle.

<sup>9</sup> On follow-up, one third of participants had reduced self-reported trauma levels to below clinical levels; see “The Tree of Life: a community approach to empowering and healing survivors of torture in Zimbabwe,” Tony Reeler et al, *Torture*, vol. 19 no. 3, 2009. See also “A Research Note on the Effectiveness of the Tree of Life: Report prepared for the Tree of Life by Tony Reeler, Research and Advocacy Unit,” Harare: Research and Advocacy Unit, 2009.

attended mostly by ZANU (PF) members on the site of a prior militia base, participants alluded to their complicity in earlier violence and foreswore future participation. Other workshops have included direct exchanges between perpetrators and survivors, acknowledging the harm done to the community.

## **Conclusion**

The grassroots approach epitomised by ToL has manifest limitations, and cannot accomplish the full range of transitional justice goals, most importantly individual accountability for violations. Such community-based approaches must at some point be supplemented by some combination of prosecutions, reparations and other accountability strategies backed by a rights-observing successor regime. But in the absence of the necessary political transition, the unavailability of centralised justice processes should not preclude grassroots reconciliation initiatives. The emerging Zimbabwean experience indicates that such initiatives can be successful, and this success may in turn contribute to community solidarity, reducing the scope for future violence instigated by outsiders during elections and other moments of political contestation.

The preceding discussion also highlights a deficiency in much contemporary transitional justice debate, which views the functions of the centralised state as the *sine qua non* of transitional justice processes. International NGOs are still influenced by the paradigmatic model of the South African Truth and Reconciliation Commission and its institutional cousins, and therefore seek to collaborate with successor governments and national-level civic organisations to establish high-profile national-level processes, sometimes at the expense of smaller, grassroots initiatives. Transitional justice practitioners should reexamine their priorities, particularly in protracted “complex emergencies” akin to the Zimbabwean crisis, where a political solution may come too late for many survivors.

A renewed focus on grassroots initiatives will allow for greater engagement by victims and survivors in transitional justice, increasing its integrity and local legitimacy. The reconciliation initiatives described above may only be the very beginning of a successful transitional justice program, but they substantially increase the ability of survivors to set the agenda for subsequent centralised processes, if eventually established.

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