

Gendered Impact of Zimbabwe's Transitional Justice: Too Little Too Late

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Abstract -The gendered impact of transitional justice after Zimbabwe's liberation struggle is similar to early efforts in other countries to try and address massive and systematic human rights violations that are largely gender blind. The paper takes a historical analysis highlighting how government chose not to specifically address sexual violence, nor did they examine how women had been distinctly impacted by the war of liberation. There was a pervasive silence regarding violence against, harm to, and the degradation of women with female ex combatants becoming recipients of piecemeal policies and fragmented efforts to accommodate them. The process and what has been done for the Zimbabwean woman is either too little or has been done too late as the legacy of this violence endures long after independence was achieved in 1980. This is not to say government has done absolutely nothing as some gains have been made in building a gender balanced society that factors in contribution of women. The study which employed the qualitative approach, revealed that women are not particularly happy as they feel more can be done as the realities they face today under study show a continuum in the violence exercised against them, their subordinate role, their oppression, the threats and harassment they endured in the past and present lack of economic resources to live a dignified life. The paper is based from a broad study that was undertaken by the author in her studies at the Africa University in 2014.

Key words: gender, human rights, women ex-combatants, reintegration, transitional justice

I. INTRODUCTION

The concept of Transitional Justice was defined by an international law advocate Roht-Arriazah (2006) as benefits given to people who suffered abuse during conflict. Roht-Arriazah (2006) notes that the actual transitional justice processes have come to be defined as 'a set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and are aimed directly at confronting and dealing with past violations of human rights.

According to the United Nations (2010) transitional justice consists of both judicial and non-judicial processes and mechanisms including prosecution initiatives, truth seeking, reparation programmes, institutional reform, disarmament, demobilization and reintegration. Apart from taking into account the causes of conflict and the violation of economic, political, social and cultural rights, transitional justice seeks to assimilate participants in the war, the ex-combatants back into mainstream society.

The principal reasons for Transitional Justice Processes are to address past injustices so that people can start afresh and build their nation without hatred and grievances carried over into a new political dispensation. Among other objectives there is an overwhelming desire on the part of the responsible authorities to achieve national reconciliation forge a new alliance among the people after acknowledging errors of the past so that they cannot be repeated.

This study therefore advances the argument that there has been minimal meaningful and sustainable transitional justice processes that catered for the unique needs of women ex-combatants in the post-independence era.

II. STUDY BACKGROUND

According to the International Centre for Policy and Conflict (2012) during the transitional justice processes there is a tendency to "continue to isolate women by failing to acknowledge that this particular group bears the greatest brunt of any conflict or repressive rule. In instances where they are included, their abuses are viewed and analyzed from a very narrow defined lens." This neglect of gendered patterns of abuse has the unfortunate effect of disadvantaging women and subsequently their access to justice.

The following African proverb succinctly summarises women's dilemma, "until the lions have spoken tales of the hunt will always glorify the hunter." Men are usually the greatest heroes of the struggle because they dominate the process eventually entrenching the culture of impunity, in many cases altering the true course of history thereby undermining impartial transitional justice initiatives.

It is important to note the extent of suffering that women endured under the government of Ian Smith. The Rhodesian governance systems orchestrated gross human rights violations characterized by indescribable torture, cruelty, inhumane and degrading treatment; even to the point of death. While it is true that men and women alike suffered all manner of arbitrary arrests and detentions it appears what has been extensively documented is the story of men's contribution.

Mothers' struggles and immense suffering when their sons and husbands were detained, abducted or killed have never really taken the center stage. The systemic marginalization of women and their struggle for emancipation is far reaching. Sibanda (2011) says women have seen it all, "right from a tender age girl were subjected to injustices such as forced

marriages and pregnancies.” When compared to their male counterparts it must be noted that structural discrimination by customary practice and law is heavily inclined towards women.

Zimbabwe acquired its right to sovereign rule in 1980, but the political independence eventually came after a brutal war against Ian Smith’s repressive colonial regime. In addition, the post-colonial state which inherited several arbitrary laws and characteristics of former colonial masters ironically implemented the policy of reconciliation. While it is indeed a noble initiative that was commended by the international community in 1980 most of both black women civilians and ex-combatants were again subjected to discriminatory tendencies. Women were particularly excluded from access to education, land and credit, decision making and governance positions and to other fundamental human and legal rights.

It was only after some years that the state sought to address the inequality and marginalization of women at times conveniently before general elections. Moreover, it is important to note that the expectations of women ex-combatants in an independent Zimbabwe reveal the complexities surrounding transitional justice when a conflict comes to an end and the fighters had to return home to the civilian society. Like everyone else who fought the war and had experienced racial prejudice, women ex-combatants had high expectations of a better life in independent Zimbabwe.

III. STATEMENT OF THE PROBLEM

Generally, women account for almost 50% of all victims in conflict and the patterns of violence they experience may be different from those experienced by men. However, the realities they face in the context of conflict overwhelmingly demands justice for them, their subordinate role, their oppression, the threats and harassment they endure. Thus, limited access to benefits when peace, demobilization and reintegration comes becomes cause for concern (Watteville, 2002). According to Chogugudza (2012) feminist critics have noted that after the struggle, Zimbabwean women ex-combatants felt, and still feel, betrayed by the post-colonial government. Several recent policy interventions have not sufficiently provided redress to the women’s sincere worries. It is against this background that this study seeks to assess the extent to which the reintegration initiatives have been effective in addressing the needs of women ex-combatants in post independent Zimbabwe.

IV. RESEARCH OBJECTIVES

The overall aim of the study was to assess the gendered impact of Zimbabwe’s transitional justice guided by the following research objectives.

1. Analyse the gendered impact of Zimbabwe’s transitional justice in the post war period.
2. Investigate factors accounting for the weaknesses in the sustainable achievement of both reintegration

strategies and major policies affecting women in present day Zimbabwe.

V. METHODOLOGY

The study applied a qualitative research methodology was used owing to the subjective of transitional justice in a society that once experienced conflict. At the heart of academic interest in this area is a social and human problem to be investigated. Academic research on transitional justice of this kind requires detail, often subjective but more importantly holistic in natural settings. The victims, survivors and other vulnerable groups made up the sample of 10 key informants with a deliberate bias on women. The informants included participants from the Ministry of Women Affairs, Gender and Community Development, the Gender Commission, International and local non-governmental organisations in gender and education programming, academics and educational rights and gender activists and ex-combatants. In addition to in-depth interviews, document analysis was used as a complementary data collection tool. Making use of the available literature data was collected from different articles and a thematic analysis was utilized in presenting findings.

VI. REVIEW OF RELATED LITERATURE

A. *Postmodern Feminism as the Theoretical Framework*

The main overarching theoretical framework for this study is the postmodern feminism theory. Postmodern feminism is a variation of feminism which defies male domination over women in all aspects of social life. It has principles which challenge patriarchy or male domination of females in various locations of social life and goes beyond the grand narratives and privileged discourses of women as being oppressed (Ebert, 1991). In other words, postmodern feminism challenges male hegemony which marginalizes women in transitional processes. This theoretical framework is important in this study as it goes beyond essentialisation of the experiences of women ex-combatants to dig deep at issues militating against their full socioeconomic reintegration in post independent Zimbabwe (Nyangairi, 2010). Postmodern feminism is useful in this study as it focuses on bringing forth the voices of the women ex-combatants as well as the complexities of the transitional justice and reintegration processes.

B. *Understanding Transitional Justice*

According to the US Department of State (2016) Transitional Justice (TJ) refers to “a range of measures; judicial and non-judicial, formal and informal, retributive and restorative, employed by countries transitioning out of armed conflict or repressive regimes to redress legacies of atrocities and to promote long-term, sustainable peace.” It is an attempt to build sustainable peace using a distinct set of approaches to achieving justice, broadly understood, in order to address legitimate past grievances.

The US Department of State (2016) further argues that if applied in a manner consistent with the “Guiding Principles”, TJ measures have the potential to mitigate the risk of further violence, promote civilian security, strengthen the rule of law, rebuild social cohesion, encourage respect for human rights, address the needs of victims, facilitate development, and restore trust in formerly abusive institutions. Many of the said measures “include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.” The US Department of State (2016).

Bell (2009) claims that there is a new law of transitional justice and this law is made up of peace agreement practice and legal developments. The law draws ideas from different sources. It states that blanket amnesties that cover serious international crimes are not permitted. It clearly states that where new mechanisms are innovated, they should be designed with as much consultation with affected communities as is possible. It also says that should any party evidence lack of commitment to the peace agreement, and in particular return to violence, any compromise on criminal justice is void and reversible through the use of international criminal justice (Bell, 2009).

Despite several ambiguities and controversial issues emanating from the above, new scholars concur that the law can be argued to be evidence of improved commitment to accountability for crimes committed during the war.

C. *A Fight for Inclusion: Women Victims in Transitional Justice Processes*

Around the world, the inclusion and meaningful participation of women in the field of transitional justice, has become sort of standard practice. The issue however is whether their inclusion and participation make a difference at all. In many instances as record in scholarly literature good intentions and policy commitments do not translate into effective implementation.

Guthrey (2010) notes that historically, “the experiences of women and victims of gender-based violations have not been adequately addressed by transitional justice processes, nor have women had sufficient representation or opportunities for participation within accountability, acknowledgment, and reform measures.”

The inevitable result is fundamentally flawed result. Processes such as national consultations with victims and affected groups, especially women and girls, are a critical element of a human rights-based approach to transitional justice. Guthrey (2010) further notes some of the shortcomings as “underreporting of certain violations; policies and procedures that make it difficult for women to participate in transitional justice processes or access benefits; findings that reflect only a partial understanding of the full impact of violations; and underrepresentation of sexual and gender-based crimes within criminal proceedings.”

In the absence of strong engagement of women and a solid understanding of how and when women are affected different the transitional justice process cannot contribute to a more just society. In some cases, women are reported to have avoided testifying in transitional processes. Possible reasons for this kind of behaviour and choices has more to do with cultural stigma surrounding the experience of sexual violence. Women then chose to sufferer privately than endure the humiliation of sharing the painful experiences in public. McKay (2000) writes that “women are often silent and withhold testimony from reconciliation bodies, war tribunals, and other judicial proceedings because of their feelings of shame, inhibitions, social taboos, denial, and fear of consequences” that come with speaking about their trauma.

Examples from Sierra Leone are instructive, as noted by Staggs Kelsall and Stepakoff (2007), Nowrojee (2005), and Muddell (2007) who all write that “the social implications of talking about rape, which make women less willing to divulge their experiences in trials, thereby limiting the testimony that could help indict human rights abusers.” There are several deterrent factors for speaking out about the abuses that were suffered in plain sight.

According to McKay (2000) it is difficult, and sometimes impossible for women to participate in transitional processes. Some of the reasons cited are that “gender injustice perpetuates inequality, violates fundamental human rights, hinders healing and psychological restoration, and prevents societies from developing their full potential.” In the same vein Bell (2007) remarks that “both the legal standards which transitional justice mechanisms draw on, and the processes by which they have been designed tend to be exclusionary of women”.

Once excluded in truth-seeking, institutional reform, reparations programs, and criminal prosecutions then there is no end to impunity and suffering that women have to endure even after the violations and abuse against women and girls has ended.

VII. FINDINGS AND DISCUSSIONS

A. *Promise of a Good Life*

Women who participated in this study invariably stated that independence to them meant the fulfillment of the promises of a good life that was the rallying call for fighting the Smith regime. More importantly they expected national consultations with victims and affected groups, as stipulated by Guthrey (2010). That was never to be, the government of the day proceeded to implement redistributive populism to appease both civilians and ex combatants.

The *nyika yedu ineuchi nemukaka* (our land of milk and honey) mantra gave the women ex-combatants the impression that in independent Zimbabwe they were going to enjoy high standards of life comparable or even surpassing those of the white oppressors. The majority of the women ex-combatants stated that:

To us independence meant free houses, a high paying job, medical care, free education payment school fees for our children, land and ownership of the mines and industries (Chinos a male ex-combatant).

The women ex-combatants also expected to resume their education that was cut short because of the war. Nyaradzo, a woman ex-combatant with ZANLA had this to say about going back to school after the war:

I left for the war when I was in form 2. So after the war I expected the new government to sponsor me so that I could back to school.

Overall, independence to the women ex-combatants meant a good life where there would sit back and reflect on the war and enjoy the fruits of their struggle. The women ex-combatants never imagined that things were going to be tough for them in independent Zimbabwe (Chiweshe, 2013). Some had the misguided notion that as freedom fighters they were going to get everything for free as they had sacrificed their productive time to go and fight the white regime.

B. Reintegration back into Civilian Life

Most of the women ex-combatants expected that independence was going to allow them to reintegrate back into mainstream civilian life. McKay (2000) notes some of the difficulties yet in the Zimbabwean case the platform was never afforded to women and men alike.

Then Prime Minister, Robert Mugabe shut the door of transitional justice during his independence speech saying, *“The wrongs of the past must now stand forgiven and forgotten, If yesterday I fought you as an enemy, today you have become a friend and ally with the same national interest, loyalty, rights and duties as myself.”*

The majority view was vividly expressed by Ganyani a woman ex-combatant who stated that:

To me independence meant going back to civilian life. I fought to be free and a full citizen of Zimbabwe. So when the war came to an end I went back home.

The women ex-combatants looked forward to being reintegrated back into mainstream civilian life with no hassles at all. They thought that the civilian population was going to accept them just like heroines and forgive them for the war acts they committed.

C. Respect and Prestige as War Veterans

Women ex-combatants expected that Zimbabwean society at large was going to show respect and their status as war veterans was to give them unparalleled prestige. There was an attempt to draw similarities to countries such as Cuba where liberation war veterans are treated with great respect and had prestige. A woman ex-combatant who called herself Nyikayadzoka summed it all by saying that:

It goes without question that we war veterans expected to be treated with respect and prestige by all the Zimbabweans. We fought and brought independence to Zimbabwe; on that basis we deserve respect from our fellow country men and women.

The women ex-combatants thought that in independent Zimbabwe the prestige associated with the title of war veteran was going to open opportunities for them. Most of the women ex-combatants interviewed expressed the view that:

We thought that in independent Zimbabwe the title of war veteran was going to be a prestigious one entitling us to farms, houses, free education and all the nice things of life. (Mhondera a woman ex-combatant).

It emerged from the study that the women ex-combatants expected special treatment in a free Zimbabwe. As people who fought the war there was a belief among the women ex-combatants that society was going to show respect to the ex-combatants. The title of war veteran was not going to be a nominal title but it was to carry with it some prestige that served as a passport to all the good things in life. This was to be shattered in post-independence Zimbabwe as the war veterans had to endure 14 years before they received recognition from the state in the form of Z\$50 000 gratuities and a subsequent pension after so much agitation.

D. Realities of Post-Independence Zimbabwe

Zimbabwe attained independence in 1980 from Britain after the Lancaster House Agreement, signed on 21 December 1979, declared a ceasefire, ending hostilities. Lord Carrington took total command of the talks, demanding that warring parties adhere to an agenda drafted with firm commitments that virtually ignored the need for criminal prosecutions, truth commissions, persons commission and reparation programs.

This study took a keen interest in the nature and extent of compromise made at independence, how the enunciated policy of National Reconciliation amidst frustration of women ex-combatants who had suffered during the course of the war. The reconciliation and reintegration efforts back to mainstream civilian life without justice was not going to be easy. Of note is the fact that Bell (2009) writes on what she calls the “new law” of transitional justice. The new law was violated in every way. Blanket amnesties were given and there was no criminal prosecution for crimes committed during the war. Even for women who might not have directly participated in liberation struggle, they had suffered at the hands of the oppressor so there was no going forward without ensuring transitional justice but the government of the day did not make it priority.

E. Post-Independence Transitional Justice Initiatives for Women Ex-combatants

Unlike in other countries where successive truth commissions were constituted, Sierra Leone (2002-2004), South Africa (1995-2002), and Morocco (2004-2006) among

others, Zimbabwe chose a different path as already highlighted. No prosecutorial mechanisms like the ad hoc international tribunal for Rwanda or the special court for Sierra Leone were instituted. Piecemeal transitional justice was offered in the form of government policies such as gender mainstreaming, affirmative action in skills training, gratuities and pensions demobilization payments among others.

F. Demobilisation Payments

Participants indicated that demobilization payments were paid out to women ex-combatants who did not join the army or the police. About the demobilization payments, one woman ex-combatant had this to say:

I received my demobilization payment in 1982 which was a once of payment of Z\$ 5 500 dollars. At first it looked like a lot of money but before I realized it was all finished by the end of 1983 (Julie woman ex-combatant).

A woman ex-combatant who was demobilized in 1981 noted that:

We were given this demobilization money when we came straight from the war. Some of us had left for the war when we were still very young and had little appreciation of the value of money and how to use it. I spent my money on trivial purchases such as buying lots of clothes and failed to invest in income generating projects that could sustain me in future (Jane woman ex-combatant).

The study findings show that women ex-combatants were not counselled or educated on how to use their demobilization money and some ended up recklessly spending it on non-productive purchases. This resulted in what some participants referred to as the *demobilization trap*, where the women ex-combatants were enticed to leave the army and become civilians with the promise that the demobilization money was going to be sufficient to look after them for the rest of their lives. It turned out years later into independence that the majority of the women ex-combatants who accepted the demobilization offer are worse off than their colleagues who opted to stay in the army or joined the police.

G. Gratuities and Pensions

In the study, all the participants pointed out that the main gratuity they received came in 1997 after 17 years after the attainment of independence. The participants had this to say about the gratuities they received in 1997:

The Z\$50 000 packages we received came in about 15 years after the war had ended and after too much agitation by the war veterans. It was a lot of money but due to the biting effects of poverty the money was not enough (Thulani male ex-combatant).

The gratuities became a source of ridicule to the ex-combatants as the money was recklessly spent by some war veteran (Ruth woman ex-combatant).

The general feeling expressed by the women ex-combatants was that the gratuities came too late when they had experienced poverty such that when the money came it was spent on basic necessities instead of investment in money generating projects. Though the women ex-combatants revealed that they were receiving monthly pensions of US\$175, this amount was grossly inadequate as it was far below the poverty datum line (PDL) which is currently pegged at US\$550 and is likely to rise. The US\$175 was no sufficient to cover rentals, electricity charges, water, food, clothing expenses and school fees payments for women ex-combatants who had school going children.

H. Skills Training

The issue of skills training elicited mixed responses from the participants of this study. Some women ex-combatants stated:

The issue of skills training was handled by the political party one was affiliated to. For example, us from ZANLA we went to ZANU PF which provided the funds if we wanted to go for skills training. I was trained in dress making at Kushinga Phikelela (Grace Woman ex-combatant).

One woman ex-combatant stated that:

The new government did not provide a well-structured programme for women ex-combatants who wanted skills training (Hannah woman ex-combatant).

The study findings show that the post-independence government did not have an established programme to provide skills training to women ex-combatants. This affected those women ex-combatants who left for the war whilst they were very young or still in the middle of their schooling. They had left for the war with little education and without formal training as it turned out they were to continue like that because there was no peace time programme to equip them with essential skills to make them productive members of society. Lack of education and formal skills training reduced the employability of the women ex-combatants who had to compete with the beneficiaries of the post-independence education expansion.

I. Post-Independence Redistribution Policies in Zimbabwe

Land Reform: There were mixed feelings about the land reform programme with respect to how it benefited women ex-combatants. Some participants had this to say:

Most of the women ex-combatants received land under the land reform programme. We now have women ex-combatants who are successfully utilizing the land.

However, there were some participants who gave an opposite view that:

Check your statistics. Very few women ex-combatants received land in their individual capacity. There are also some women ex-combatants in the rural areas far away from the farms who did not get land (Chingwe male ex-combatant).

The gender specialists and the representative from an NGO in gender and education programming stated that:

It seems the majority of the women ex-combatants got land under the A1 resettlement model as compared to their male counterparts who got the larger A2 farms. (Viola).

The research findings point out that some women ex-combatants got land under the land reform programme whereas some did not get the land. There was also variation in the resettlement models in terms of gender allocation. The majority of the women ex-combatants got land in the A1 resettlement model whereas more male ex-combatants held the much larger A2 plots. However, the land reform had its own contradictions which the women ex-combatants felt negated it as a programme that benefits the war veterans. The problem with the land reform in the perspective of the women ex-combatants was that there was no clear mechanism to protect the children of war veterans in the event that they die and leave their children on the land. Currently, it appears some of the children of women ex-combatants are being evicted from the plots their mothers fought hard to acquire.

Indigenization Programmes: Participants were asked to state their views on the indigenization programmes in post independent Zimbabwe. This is what the participants had to say:

The indigenization programmes in Zimbabwe are still not yet clear on the stake of women ex-combatants in all the sectors of the economy (Dr Chingu academic).

One participant stated that:

The Ministers responsible for indigenization are men and they tend to fight the battle for the benefit of their fellow men at the expense of women ex-combatants (Manye academic).

The study shows that the current indigenization programmes are not clear on what should be the stake of women ex-combatants. It is even more difficult to determine the stake of women ex-combatants as they are bunched within the broader group of women. Women as a group are fighting for equal opportunities in all the facets of life and it is difficult for women ex-combatants to stand on their own as they risk being alienated from the cause of women as a group. This has created a sense of paralysis among women ex-combatants as they are now divided in attention on what course of action take that balances their interests as subgroup within the main group of women.

VIII. CONCLUSIONS

The expectation after the war was that women ex-combatants were to be consulted on how socioeconomic reintegration and transitional justice was to take place. The study concludes, however, that after the war there was no attempt to consult the women so that they could narrate their war time experiences to inform programmes towards effective transitional justice. This created a situation in which women ex-combatants were subjected to reintegration programmes

which were not congruent to their needs and aspiration. In fact, after the war there was an attempt to down play the duties and responsibilities borne by women ex-combatants after the war. This contradicted the main tenets of transitional justice which stipulate that the views of the women ex-combatants have to be factored in with respect to any socioeconomic reintegration initiatives that concern them.

The study has shown that socioeconomic reintegration of women ex-combatants in Zimbabwe is fraught with complexities at every turn. The government did not consult the women ex-combatants after the war to gather their views on the whole reintegration exercise and this resulted in arbitrary actions which did not meet the needs of the female ex-fighters. There was no adequate support from the NGO sector and the civil society which resulted in the government being unable to cope with the multiple governance demands brought about by the post war dispensation.

IX. RECOMMENDATIONS

A. Counselling

Women ex-combatants are still experiencing post-traumatic war time experiences and it is never too late for the government to afford them the counselling they require. Currently, Zimbabwe has several organisations that offer professional counselling. Organisations such as CONNECT Zist can be requested to offer free counselling services to these women.

B. Inclusion of the NGO Sector and Other Non-State Actors

The socioeconomic reintegration of women ex-combatants has been fraught with complexities because the Government of Zimbabwe at independence tried to do it alone with minimum assistance from the NGO sector and other non-state actors in civil society realm such as community based organisations. Thus the Government of Zimbabwe needs to rope in the NGO sector and other non-state actors such as the United Nations, through an agreed framework, so that they provide the financial, material and technical assistance needed to ensure that socioeconomic reintegration of women ex-combatants is done successfully.

Furthermore, it is of absolute importance to address sexual and gender-based violence in post-conflict situations as a way to promote accountability and achieving sustainable peace. For Zimbabwe, just like any other place in the world, transitional justice must thus ensure that victims, women in particular, participate in all stages of the process, so that their rights and perspectives are adequately reflected therein, and they can receive appropriate forms of redress, including reparations.

X. CONCLUSION

The paper sought to bring forward the grievances of women civilians and women ex-combatants who suffered the most during the liberation struggle but have never really

experienced transitional justice to date. The paper was inspired by a need to show the fearlessness of women who had experienced more weighing encounters while playing a part in the war than their male counterparts. The paper noted that while both men and women in the struggle faced daunting challenges, the biological make up of women made their struggle more excruciating. Worse still, responsible authorities such as the then Prime Minister assumed and called upon the desire and commitment of all the citizenry to work together and the sharing a common destiny, a common vision and conviction ignoring transitional justice fundamentals. The major problem with this kind of stance and subsequent piecemeal policies to accommodate women is that it follows the traditional narrative of women exclusion and marginalization. The paper however did not suggest government completely failed but rather that the policies such as gender mainstreaming, affirmative action in skills training, gratuities and pensions demobilization payments among others were simply too little and some of them came too late.

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