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Prosper Maguchu

Transitional Justice and Socio-Economic Rights in Zimbabwe



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Preface

The parameters of transitional justice, as an interdisciplinary field, are expanding. For instance, while it started off conservatively by focusing on judicial and non-judicial measures implemented in order to redress legacies of physical human rights abuses, it has evolved to address socio-economic violations and related issues such as large-scale corruption. Despite this widened remit, which continues to expand, it remains problematic to locate, let alone address, corruption within transitional justice as originally conceived. This is largely due to the lack of a comprehensive framework to unite the fields of anti-corruption and transitional justice. This book therefore seeks to investigate the specific ways in which transitional justice mechanisms should be used to address corruption.

To that end, it examines to what extent cases of corruption in Zimbabwe amount to human rights violations under the transitional justice framework. In doing so, it seeks to identify where crimes of corruption should be situated within theoretical and legal frameworks and to explore ways in which they can be practically addressed at the policy level in the context of Zimbabwe's transition to democracy. Through an analysis of the text of the law and of practice, the book demonstrates how Zimbabwe's official transitional justice processes can engage with socio-economic issues, in particular corruption, and how this has precipitated conflict. It will also examine emerging legal actions and practices by the newly installed government and the ways in which this new regime is attempting to address the issue, and consider whether such efforts are underpinned by a coherent legal position rooted in international law and best practice.

This book will contribute to the ongoing academic inquiry into an appropriate legal framework for addressing corruption in the transitional justice and human rights discourses. It also seeks to undertake an intra- and cross-regional comparative analysis, for example by examining how the 'fourth wave' of democratisation in the Middle East and North Africa (MENA) region has reinvigorated the search for the link between corruption and transitional justice. The book concludes that in cases

where corruption has achieved the status of a human rights violation under international law, it can and should be addressed by transitional justice mechanisms and processes.

Amsterdam, The Netherlands

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