

On the Question of the Transition: Was Zimbabwe¹ a Transitional State between 2008 and 2013?*

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ABSTRACT What constitutes the transition in transitional justice is highly contested. The transition in transitional justice is generally conceptualised as constituting the demarcation period between the undesired past which is littered with human rights violations and the desired future which promises to be democratic and peaceful. This paper debates the transition in transitional justice and uses Zimbabwe as a case study to argue that the transition is a function of the nature of human rights abuses experienced in a particular community. The negotiated transition model and the mediated negotiation model in which the positionality of reformers, moderators and hardliners within the outgoing and incoming regimes determine the type of transition that a community undergoes are used as the theoretical framework for this discussion. The conclusion of the paper is that the fluidity and malleability of the notion of the transition in transitional justice has rendered it prone to abuse by the various stakeholders in transitional justice both as a field of study and practise of healing and reconciling communities which seek historical accountability of human rights abuses.