

Veterans' Pensions in Zimbabwe: Dispute Resolution and Nation-Building

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I. INTRODUCTION

Liberation war guerrillas' quest for official recognition of their war sacrifices and contributions has occupied a prominent role in post-independence politics in Zimbabwe. Veterans¹ have appealed to the government for employment, promotions, business loans, land, pensions, and positions in the ruling party and government. Focusing on veterans' pensions, this article addresses the two key themes of the Ohio State Journal on Dispute Resolution's 2004 Symposium: post-conflict dispute resolution and nation-building. In particular, it asks how the ruling party attempted to resolve conflicts over veterans' pensions, why the party responded the way it did, and how the conflicts and mode of conflict resolution affected nation-building. Initially prepared for a panel entitled "Post-Conflict Reparations," this article also addresses the issue of whether veterans' pensions represent reparations.

Disability pensions for guerrilla veterans were the product of a 1980 government initiative to incorporate the veterans into an existing scheme from which they had been excluded. In contrast, the recognition of war service years for the purposes of calculating retirement pensions for those in state employment in 1989 and 1990 resulted from veterans' pressure on the ruling party. Likewise, veterans won gratuities and monthly pensions as compensation for their war services from the ruling party in 1997. Mindful of veterans' power to undermine its own legitimacy and power, the ruling party's chief response to veterans' demands was to accommodate them. However, appeasing veterans encouraged them to demand further official recognition. Moreover, government concessions spurred fresh demands from excluded groups—notably veterans' subgroups and less powerful civilian liberation groups such as former political prisoners and detainees—on the grounds that their war suffering and contributions were comparable to that of veterans. Similarly, those disabled through accidents or at birth sought benefits comparable with those of war-disabled veterans, arguing that war-

¹ The terms guerrilla veterans, ex-guerrillas, and ex-combatants are used interchangeably. The term "war veteran" of the liberation struggle was first introduced and defined in the War Veterans Act of 1992, Section 2, as those who had undergone military training outside the country between January 1, 1962 and February 29, 1980. War Veterans Act, § 2 (1992) (Zimb.).

disabilities should not be privileged over other types of disabilities. When the government imposed the cost of veterans' compensation on already heavily taxed workers, the stage was set for a still broader conflict. Veterans' pension conflicts thus entailed contestation over the relative values of contributions to the liberation struggle and the distribution of pension costs. Because the liberation struggle was the central legitimating and nation-building symbol of the ruling party, these pension conflicts constantly called into question the party's legitimacy and the nation's unity. Veterans' pensions fit uneasily with widely shared understandings of reparations, but the case is made for transitional justice studies to find a way of incorporating veterans and their demands as key components of transitions.

Veterans' power, the driving force behind the ruling party's frequent resort to accommodation of veterans' demands, is the subject of Part II. Part III centers on three major pension benefits: the War Victims Compensation Act of 1980, the recognition of war service years for the purposes of calculating retirement pensions for state-employed veterans in 1989 and 1990, and gratuities and monthly pensions for all veterans in 1997. For each pension benefit, the objectives are to highlight how the ruling party's attempts to accommodate the powerful veterans' demands stimulated fresh equity and distributive conflicts. Political competition among liberation war activists, all claiming the status of victims of official neglect and asserting their superior war contributions and heroism, put at risk the ruling party's legitimacy, itself centered on a version of heroes of the liberation struggle. Part IV takes up the issue of pensions as reparations following the discussion of the 1997 compensation payments.

II. VETERANS' POWER

The ruling party's strategies of building legitimate power, themselves deeply influenced by the legacy of the 1979 peace settlement, empowered veterans.² The Lancaster House settlement left intact the three mutually hostile armies—the two guerrilla armies, ZIPRA and ZANLA, and the Rhodesian defense forces.³ The smaller guerrilla army, ZIPRA, was loyal to Joshua Nkomo's ZAPU party and drew most of its recruits from Ndebele and

² NORMA J. KRIGER, *GUERRILLA VETERANS IN POST-WAR ZIMBABWE: SYMBOLIC AND VIOLENT POLITICS: 1980–1987*, at 186–87 (2003).

³ ZIPRA stands for Zimbabwe People's Revolutionary Army; ZANLA for Zimbabwe African National Liberation Army. The Lancaster House settlement comprised agreements on a cease-fire in the anti-colonial war, a transitional government, and a new Constitution. *See id.* at 36–39.

Kalanga speakers in the Matabeleland and Midlands provinces. The larger guerrilla force, ZANLA, was loyal to Robert Mugabe's ZANU(PF), and was composed chiefly of Shona-speakers.⁴ Spread across the rural areas in assembly camps, the guerrillas remained armed, concentrated, and under their own commanders. In principle, the cease-fire agreement recognized the *de facto* equality of the three armed forces during the cease-fire, but the constitutional agreement recognized only the Rhodesian forces. The new constitution also retained intact the other white-dominated state institutions—the police and the bureaucracy—and imposed stringent protections on private property and state pensions.

In the ruling party's attempts to secure control of state institutions, the ex-guerrillas played an important role. To build military power, the ruling party integrated the three armies under a single guerrilla-controlled command structure. The strategy of treating all three armies as *de facto* equals was intended to prevent civil war between the two guerrilla armies and to avoid the perception of a Rhodesian victory that might have been implied by the maintenance of the Rhodesian forces. *De facto* equality of the forces meant that guerrillas were paid the salaries of Rhodesian soldiers, both in the assembly camps and in the military integration exercise. In 1981, when the ruling party reversed its policy that every guerrilla had the right to join the new army, guerrillas who demobilized were paid a black Rhodesian private's monthly salary for two years.⁵ To build bureaucratic power, the ruling party hired former guerrillas over more educated candidates who had not fought in the war, and created new posts for many guerrillas unable to meet the formal educational qualifications.

The ruling party's attempt to treat the two rival liberation armies even-handedly was compromised by its desire to form a party-state. The practice of favoring ZANLA cadres (and especially men over women) with government positions and promotions, already evident in 1980, became more marked in 1982. The small band of politically motivated ZIPRA dissidents who opposed ZANU(PF) rule grew, chiefly in response to the ruling party's hostile actions against them and their party. Though there were never more than 400 dissidents in Matabeleland and the Midlands, the ruling party

⁴ ZANU(PF)—Zimbabwe African National Union (Patriotic Front)—has been the name of the ruling party since the political campaign for the 1980 election. ZAPU (Zimbabwe African People's Union) changed its name to PF-ZAPU (Patriotic Front-Zimbabwe African People's Union). The Unity Accord, signed on December 22, 1987, merged PF-ZAPU into ZANU(PF). The new party became ZANU PF. JOHN MAKUMBE & DANIEL COMPAGNON, *BEHIND THE SMOKESCREEN: THE POLITICS OF ZIMBABWE'S 1995 GENERAL ELECTIONS 2* (2000).

⁵ See KRIGER, *supra* note 2, at 70.

embarked on a brutal campaign against all ZAPU, ZIPRA, and Ndebele civilians. Some ZIPRA officers were driven out of the army by ZANLA underlings who refused to recognize their authority, and many more rank-and-file ZIPRA deserted or opted to demobilize rather than endure often brutal discrimination. Outside the army, ZIPRA, who had benefited from preferential hiring in local government institutions in Matabeleland, became targets of the ruling party's security forces. Demobilized ZIPRA cadres often forsook collecting their two-year monthly payments from post offices rather than risk being identified and victimized. By the time of the Unity Accord in 1987, which merged ZAPU into ZANU(PF), the ruling party had consolidated its state power. It had established a ZANLA-controlled army and police force, and an African-controlled bureaucracy.

To construct and legitimate the new nation, the ruling party introduced symbols centered on heroes of the liberation struggle.⁶ In mid-1980, the government introduced Heroes' Days, a new two-day public holiday (later reduced to a single day), to commemorate those who fought and died fighting for freedom and independence. Soon after, the ruling party announced that Heroes' Acre, a 57-hectare plot close to the capital, would be the site of a new national monument to celebrate the annual Heroes' Days and to bury national heroes—a posthumous status for leaders who had contributed to Zimbabwe's liberation and independence and who would contribute to its subsequent development. In terms of the National Heroes' Dependents Assistance Act of 1984, national heroes' spouses were entitled to generous pensions and housing allowances, and their children were entitled to tuition and allowances. Just as the ruling party desired a party-based state, its selection of national heroes and commemoration practices on Heroes' Days revealed its preference for a party-based nation. This meant favoring ZANU(PF) over ZAPU party cadres until 1987, and incorporating (including retroactively) former ZAPU cadres after 1987. The party's selection of national heroes also demonstrated its preference for high-ranking male political and military leaders. Further evidence of hierarchical values, the ruling party encouraged people outside the capital to build provincial and local heroes' acres for the burial and celebration of lesser heroes.

Veterans' power, itself differentiated by factors such as political affiliation, employment, post-war rank, and gender, derives in critical ways from early state and nation-building strategies of the ruling party. Preferential hiring and promotions in the uniformed services—the army, the police, and

⁶ See KRIGER, *supra* note 2, at 64–65; Norma J. Kriger, *The Politics of Creating National Heroes: The Search for Political Legitimacy and National Identity, in SOLDIERS IN ZIMBABWE'S LIBERATION WAR* 139–63 (Ngwabi Bhebe & Terence Ranger eds., 1995).

the prison services—and the bureaucracy gave ex-guerrillas an institutional power base. The practice of treating the guerrillas as the *de facto* equals of the Rhodesian soldiers became a powerful symbolic appeal for guerrillas in their struggles over state pensions. Especially after 1987, Heroes' Day commemorations and the frequent naming of national heroes provided opportunities for guerrillas to assert the ruling party's neglect of their heroism. Guerrillas' training in violence and political mobilization inspired fear, and thus further boosted their symbolic and potential coercive power. Lastly, following the merger of the two rival political parties, demobilized veterans banded together to form a national veterans' association. The institutional, coercive, symbolic, and organizational sources of veterans' power vis-à-vis the ruling party help to explain why the ruling party resorted again and again to accommodation to cope with veterans' demands, the subject of the next section.

III. CONFLICT–ACCOMMODATION–CONFLICT

A. *War-Disability Pensions*

Modeled on the Victims of Terrorism (Compensation) Act, the War Victims Compensation Act of 1980 provided for pensions for war-related injuries or deaths and for medical and vocational rehabilitation for the war-disabled. It was designed to incorporate the former guerrillas and their civilian supporters who had been excluded from the Rhodesian regime's scheme.⁷ The calculation of disability pensions was based on the degree of disablement and on earnings at the time of injury or death. The method of assessing earnings for ex-guerrillas, who had performed "unpaid combatant duties," differed from that for civilians who had no earnings.⁸ The earnings of guerrillas were to be equated with those of Rhodesian soldiers of comparable rank and seniority at the time of death or injury.⁹ Unemployed civilians' earnings were assessed using minimum wages. Guerrillas were thus privileged over unemployed civilians. The new law contained other important differences. Whereas its predecessor had referred to "acts of terrorism," the new law defined "the war" as "the armed conflict which occurred in Zimbabwe and in neighbouring countries between the 23rd

⁷ War Victims Compensation Bill, Second Reading, col. 1087 (Sept. 30, 1980) (Zimb.) (providing the responsible minister's explanation of the motives behind the bill to parliament).

⁸ War Victim's Compensation Act, No. 22, § 27(3) (1980) (Zimb.).

⁹ *Id.*

December, 1972, and the 29th February, 1980, in connexion [sic] with the bringing about of, or resistance to, political and social change in Zimbabwe."¹⁰ The new law also excluded compensation for war-related property damages and losses on the grounds that they would be impossible to verify and would be too costly, given that all Africans had sacrificed for liberation.¹¹

Ex-combatants challenged key provisions in the Act to try to augment their disability payments, which they regarded as inadequate compensation for their war sacrifices. They won repeated administrative reinterpretations and legal amendments. Responding to ex-combatants' outrage at the link between pensions and their often low degrees of disablement, in April 1981, Prime Minister Mugabe issued a directive to the social welfare office to pay the disabled ex-guerrillas a Z\$600 demobilization gratuity that would be unrelated to their disabilities.¹² In 1981, mainly ZANLA disabled ex-combatants, still living in a temporary facility in Harare, rejected their first pension checks as too small in relation to their war services. They detained the social welfare pensions officer and the two ex-guerrillas he had brought with him when he came to pay the disabled ex-combatants. In June 1981, the Deputy Director of Social Services directed staff to assess guerrilla earnings on the much higher European, rather than African soldiers', pay scale.¹³ In late 1985, a few hundred ex-combatants met in Bindura, Mashonaland Central, to discuss their grievances, including their much lower disability pensions than those for whites in the former Rhodesian army. Following the social welfare pensions officer's proposal to use specific provisions in the War Victims Compensation Act to remedy existing inequities, guerrillas' assessed earnings were recalculated to include their seniority (years of service) and "potential" or non-cash earnings (bonuses and uniform allowances).¹⁴ Ex-combatants were not appeased.

¹⁰ War Victim's Compensation Act, § 2 (1980) (Zimb.).

¹¹ War Victims Compensation Bill, Second Reading, cols. 1092, 1104 (Sept. 30, 1980) (Zimb.); War Victims Compensation Bill, Committee Stage, col. 1194 (Oct. 2, 1980) (Zimb.).

¹² Interview with Victor Makwavarara, Social Welfare Pensions Officer, Pensions Office, in Mukwati Building, Harare, Zimbabwe (Aug. 24, 1992); *War Disabled to Receive Z\$600 Each*, CHRONICLE (Zimb.), Apr. 29, 1981, at 1; Editorial, *Help for the Disabled*, CHRONICLE (Zimb.), Apr. 30, 1981, at 10.

¹³ Interview with Victor Makwavarara, *supra* note 12; *All the War Disabled to Get Pensions*, CHRONICLE (Zimb.), June 27, 1981, at 1.

¹⁴ *Ex-fighters Meet to Press for Government Jobs*, HERALD (Zimb.), Sept. 17, 1985, at 5; Letter from Victor Makwavarara, Social Welfare Pensions Officer, to D.D. Sanyangore, Director of Social Services, Department of Social Welfare files, Sept. 17,

Disabled ex-combatants, predominantly severely injured ZANLA men who were living at Ruwa Rehabilitation Center, communicated their grievances in a letter to Prime Minister Mugabe in September 1986.¹⁵ A rare opportunity to hear ex-combatants' voices in the period from 1980 to 1987, the letter highlighted what the fighters saw as major inequities. Their leaders had enriched themselves, violating the party's socialist ideology and leadership code. Yet, the leaders dismissed the fighters' calls for assistance, telling the veterans they had not fought for money. Their former Rhodesian enemies also enjoyed a social and economic status that was superior to that of the veterans. Their deceased leaders had national hero status and their dependants enjoyed state assistance, whereas the rank-and-file disabled ex-combatants who died had no status, and their dependents did not receive state benefits. Labeling themselves "liberators," the disabled ex-combatants objected to being called "war victims" in the disability pensions legislation.¹⁶ They asked for appropriate recognition—larger disability pensions, pensions for their dependants and burial expenses as official national heroes received, life pensions, a well-paid job, allowances for the unemployed, housing in areas specially designated for them, free medical and dental care, and free schooling for the children of deceased ex-combatants.¹⁷

In October 1986, Ruwa ex-combatants took hostage the social welfare pensions officer and other bureaucrats who had been sent to discuss the ex-combatants' grievances about the compensation scheme. Prime Minister Mugabe, whom they demanded to see, was out of town. Deputy Prime Minister, Simon Muzenda, told the social welfare pensions officer: "Find a way of paying them."¹⁸ The officer found a provision in the legislation to pay vocational training allowances to the disabled.¹⁹ Though the rehabilitation center did not have a certified training program, the deputy premier issued a directive to pay the war-disabled at Ruwa monthly training allowances and

1985 (on file with author); Letter from Victor Makwavarara, Social Welfare Pensions Officer, to Editor, *PARADE* (Zimb.), Apr. 6, 1990 (on file with author).

¹⁵ Zimbabwe had a Westminster political system until the end of 1987, when it became a presidential system with the president exercising unusually extensive powers. Robert Mugabe was the prime minister from 1980 to 1987, after which he became the president. MAKUMBE & COMPAGNON, *supra* note 4, at 33.

¹⁶ The Ruwa Document (Sept. 14, 1986) (on file with the Catholic Commission for Justice and Peace in Harare, Zimbabwe, and with author).

¹⁷ *Id.*

¹⁸ Interview with Victor Makwavarara, *supra* note 12.

¹⁹ *Id.*

back payments.²⁰ While Ruwa ex-combatants were detaining government officials at Ruwa, other residents had hijacked Ruwa's bus to visit a former war commander, the Minister of State (Defense) and acting Minister of Labour and Social Welfare.²¹ Within days, the army evicted the disabled from Ruwa and closed the institution.²² This instance of official repression was unusual in the context of ex-combatants' pensions demands.

Ex-combatants' demands continued to be accommodated. In 1988, the legislation was amended to allow for the commutation of pensions (*i.e.*, lump-sum rather than monthly payments) in cases where the degrees of disability were low and permanent or the amounts of money were small, thus removing another difference between the legislation catering to ex-guerrillas and that for former Rhodesian army personnel. Unlike the latter act, the amendment gave the minister the discretion to approve the right of commutation in other cases as well, provided there were compelling "special circumstances."²³ In practice, all ex-combatants who applied had their pensions automatically commuted.²⁴ In 1992, a decision was made to pay disabled ex-guerrillas pensions calculated at the higher rate, a provision in the law applicable when the disabled were compelled by their injury to change their profession or standard of living.²⁵ The army's medical directorate was instructed to re-examine the disabled so that those found with injuries too severe to have enabled them to join the army at independence could qualify for pensions at the higher rate. No such examinations ever occurred; all applicants were automatically approved for the higher benefit. When the High Court and the Supreme Court of Zimbabwe subsequently ruled that disabled former guerrillas did not meet the statutory provisions for pensions at the higher rate,²⁶ the pensions office did not change its practices.

²⁰ *Id.* For the discretionary power of Commissioner of War Victims Compensation to determine whether a war-disabled person should receive vocational training, *inter alia*, see War Victims Compensation Act, No. 22, § 12(3) (1980) (Zimb.).

²¹ Some Ruwa ex-combatants told the Catholic Commission for Justice and Peace about events leading up to their eviction and the eviction itself (notes on file with the Catholic Commission for Justice and Peace in Harare, Zimbabwe).

²² *Id.*

²³ War Victims Compensation Amendment Act, No. 13 (1988) (Zimb.); *see also* 15 HOUSE OF ASSEMBLY DEBATES, cols. 203–04 (July 14, 1988) (Zimb.); 15 HOUSE OF ASSEMBLY DEBATES, cols. 280–81 (July 19, 1988) (Zimb.).

²⁴ Interview with Victor Makwavarara, *supra* note 12.

²⁵ War Victims Compensation Act, No. 22, § 8(1)(b) (1980) (Zimb.).

²⁶ In the matter of Zaranyika v. Commissioner for War Victims Compensation, Judgment No. S.C.51/94 (Sup. Ct. 1994) (Zimb.) (record on appeal from the judgment of

In 1995, responding to the veterans' association's claim that many rural ex-combatants had not even heard of the compensation scheme, the government set aside over Z\$200 million to cover another round of medical assessments of war-disabled ex-combatants.²⁷ There was a dramatic rise in new disability claims, almost all from ex-combatants: 1,000 in 1994, 6,000 in 1995, 9,000 in 1996, and 9,500 for the first nine months of 1997. State expenditures on the compensation scheme also jumped from Z\$353 million in 1995 to Z\$606 million in 1996.²⁸ Most new claims were for post-traumatic stress disorder, whereas prior claims had been for physical disability. Chenjerai Hitler Hunzvi, the veterans' association chairman and also a government medical doctor, played a pivotal role in facilitating access to the compensation scheme. Besides distributing application forms across the country, he often signed claimants' medical forms, usually without conducting an exam.²⁹ In March 1997, the independent media reported fraudulent claims involving top party and government officials (many of them ex-combatants) and widespread corruption. The government stopped payments of pensions approved for commutation because they involved the largest sums of money.³⁰ In July 1997, the government appointed a commission to investigate the compensation scheme. Ex-combatants and others in top posts in the defense forces, the bureaucracy, and parliament who were called before the commission typically defended their high rates of disability and payments, saying they had fought for money and deserved greater compensation.³¹ Meanwhile, the veterans' association organized often violent public protests against the looting of the fund, the freeze on paying approved commuted pensions, and the composition and public

the Honorable Sandura JP in the High Court of Zimbabwe at Harare Civil Term on Sept. 1, 1993).

²⁷ *War Vets Happy at Compensation*, CHRONICLE (Zimb.), Nov. 14, 1995, at 2; Report of the Commission of Inquiry into the Administration of the War Victims Compensation Act, ch. 11.16, at 17 (May 1998) (Zimb.). The Commission, sympathetic to the veterans, did not accept the view that the compensation scheme had been kept secret until 1993.

²⁸ See Report of the Commission of Inquiry into the Administration of the War Victims Compensation Act, ch. 11.16, Annexes III & IV (May 1998) (Zimb.).

²⁹ Report of the Commission of Inquiry into the Administration of the War Victims Compensation Act, ch. 11.16, at 9, 13–14 (May 1998) (Zimb.).

³⁰ See, e.g., *Govt Suspends War Veterans' Compensation*, CHRONICLE (Zimb.), Mar. 26, 1997, at 1; *Officials Abuse Compensation Act*, CHRONICLE (Zimb.), Mar. 6, 1997, at 1.

³¹ E.g., Nomsa Nkala, *'Inquiry Not Necessary'*, HERALD (Zimb.), Aug. 21, 1997, at 1.

hearings of the commission. They also renewed demands for compensation for their war services.³²

In May 1998, the commission's report appeared. Chaired by party loyalist Judge Chidyausiku, the commission took the view that most prominent people whom it interviewed had manipulated rather than broken the law—they had legitimate, albeit often grossly exaggerated, war-related injuries. The commission explained how the veterans' association had turned to the compensation scheme to seek the recognition for their war services that had been denied to them. The War Veterans Act of 1992 had provided for state assistance to veterans, defined as those who had military training outside the country between January 1962 and February 1980.³³ However, year after year, the Treasury refused to fund veterans' schemes. Frustrated, veterans had turned to the compensation fund, which was financed from the Consolidated Revenue Fund and was thus independent of Treasury approval.³⁴ The commission accepted the legitimacy of the ex-combatants' grievances about lack of official recognition for their war services and restated the basis of ex-combatants' discontent. Ex-combatants did not receive a salary or pension during the war while the Rhodesian soldiers did, and they (ex-combatants) had endured greater hardships—not having transport or adequate food, clothing, and ammunition. Moreover, they had sacrificed opportunities to advance their education while those who had stayed behind during the war had received an education and were better off than those who had gone to fight.³⁵ By the time the commission's report was published, veterans had won compensation for their war services.

While ex-combatants felt their disability pensions were inadequate recognition of their national service, other groups sought equity with the war-disabled. These groups' claims challenged the special status of liberation service. Those disabled other than as a result of the war were not persuaded of the distinctiveness of the war-disabled. In 1995, the president of an organization for the disabled, who depended on meager and irregular public assistance, called on the government to extend the scheme for the war-disabled to all the disabled, saying it did not matter whether disability had been sustained "during war or through witchcraft."³⁶ That same year, a

³² See *infra* Parts III.B & III.C.

³³ War Veterans Act (1992) (Zimb.).

³⁴ Report of the Commission of Inquiry into the Administration of the War Victims Compensation Act, ch. 11.16, at 7, 17 (May 1998) (Zimb.).

³⁵ *Id.* at 7–8.

³⁶ *Disabled Demand Pension Scheme*, FINANCIAL GAZETTE (Zimb.), Sept. 7, 1995, at 8.

member of parliament, who was appointed by the president to represent the interests of the disabled, reiterated the plea for the disabled to get pensions “pegged at the same level as the pension being given to the war wounded,” since “disability is disability irrespective of the cause.”³⁷ Others sought to broaden the category of “war victims” to include victims of more recent wars in the 1980s. Members of parliament from Manicaland called for the compensation scheme to cover victims of the war involving the Mozambican guerrilla organization against the Zimbabwe-supported Frelimo government forces. Members of parliament from Matabeleland and the Midlands proposed the inclusion of victims of the government’s military campaign against dissidents in Matabeleland and the Midlands. Both the Catholic Commission for Justice and Peace and the Legal Resources Foundation proposed to the Chidyausiku Commission that the war victims compensation scheme cover not only the victims of these more recent wars of the 1980s, but also the victims of human rights abuses generally.³⁸

B. Recognition of War Service Years for the Purpose of Calculating Retirement Pensions

The idea of pensions to recognize liberation war services was raised at the outset of independence. If pensions had to be paid to their former Rhodesian enemies, as the new constitution required, then some members of parliament proposed pensions for all liberation war activists³⁹ or for unemployed demobilized ex-combatants.⁴⁰ The idea resurfaced in parliament in 1987 and 1988, and was then picked up by the official media. Different views emerged on whether pensions should be for state-employed ex-combatants, unemployed and destitute ex-combatants, or all ex-combatants.⁴¹

Ex-combatants in the uniformed services were the first to win recognition for their war service years. If members of the army, a branch of the uniformed services, served twenty years or until the age of fifty, the state

³⁷ 22 HOUSE OF ASSEMBLY DEBATES, at 110–11 (May 18, 1995) (Zimb.).

³⁸ 17 HOUSE OF ASSEMBLY DEBATES, col. 353 (June 19, 1990) (Zimb.); Report of the Commission of Inquiry into the Administration of the War Victims Compensation Act, ch. 11.16, at 63–64 (May 1998) (Zimb.).

³⁹ Dr. Nhiwatiwa, MP, 2 HOUSE OF ASSEMBLY DEBATES, cols. 776–77 (Sept. 9, 1980) (Zimb.).

⁴⁰ Mr. Mguni, MP, 2 HOUSE OF ASSEMBLY DEBATES, cols. 1035–36 (Sept. 18, 1980) (Zimb.).

⁴¹ Mr. Mpfu, MP, 14 HOUSE OF ASSEMBLY DEBATES, col. 2412 (Nov. 11, 1987) (Zimb.); *Call to Reward Ex-fighters*, CHRONICLE (Zimb.), Mar. 24, 1988, at 11; Editorial, *Living Heroes*, SUNDAY NEWS (Zimb.), Mar. 27, 1988, at 6.

doubled their pension contributions when they retired. Ex-combatants complained that their years of service were only counted from 1980 whereas Rhodesian soldiers counted their war service years. In March 1989, ex-combatants in the uniformed services won recognition for their years of war service. In the absence of records, age was used as a proxy for war service years.⁴² Excluded ex-combatants were outraged. Similar benefits, though less generous, were extended to ex-combatants in the civil service in December 1989 and in parliament in 1990.⁴³ The timing of these concessions probably had to do with the upcoming elections. A new party, led by a man who had been a ZANLA guerrilla, and also the former secretary-general of ZANU(PF) and a government minister, raised the possibility of attracting the ruling party's previously secure ex-combatant support base.

Ex-combatants who received these benefits objected to having to wait until they retired to receive them. Many ex-combatants were dying young of diseases—AIDS, though not explicitly mentioned, was taking its toll—and they wanted immediate monetary recognition.⁴⁴ Recognizing the war service years of ex-combatants employed in the uniformed services, the civil service, and parliament infuriated ex-combatants who were excluded. The government defended its actions on economic grounds—if it legislated that the private sector provide comparable benefits, employers would lay off ex-combatants.⁴⁵ The responsible minister promised that a long-awaited National Social Security scheme would take care of pensions for the rest of the ex-combatants.⁴⁶ Both the minister and his deputy seemed to recognize the urgency of redressing inequities in the recognition of war service years, especially for unemployed ex-combatants, in debates on versions of a bill for state assistance to war veterans. The minister favored a pension for unemployed ex-combatants when they reached the retirement age of 55

⁴² Statutory Instrument 53A of 1989 (amending the State Service (Pensions) (Uniformed Forces) Regulations 1976).

⁴³ Statutory Instrument 285 of 1989 (amending the Public Service (Pensions) Regulations 1980 published in Statutory Instrument 849 of 1980); Officers of Parliament (Pensions) Amendment Rules, No. 9 (1990).

⁴⁴ See, e.g., Mrs. Dongo, ex-combatant and MP, 18 HOUSE OF ASSEMBLY DEBATES, cols. 472–73 (July 16, 1991) (Zimb.).

⁴⁵ Minister of Labour and Social Services, 18 HOUSE OF ASSEMBLY DEBATES, cols. 2919–20 (Nov. 20, 1991) (Zimb.); 16 HOUSE OF ASSEMBLY DEBATES, cols. 672–74 (Aug. 2, 1989) (Zimb.).

⁴⁶ Minister of Labour and Social Services, 18 HOUSE OF ASSEMBLY DEBATES, cols. 2919–20 (Nov. 20, 1991) (Zimb.); 16 HOUSE OF ASSEMBLY DEBATES, cols. 672–74 (Aug. 2, 1989) (Zimb.).

years.⁴⁷ In December 1995, with elections pending the following year, the ruling party announced it would pay life pensions for all ex-combatants excluded from the 1989 and 1990 pensions benefits. In preparation, another round of vetting was set in motion to ensure that only genuine ex-fighters benefited.⁴⁸ Government promises remained unfulfilled.

C. *Gratuities and Monthly Life Pensions*

In the midst of the protests over the suspension of war-disability pensions and the commission's hearings to investigate alleged fraud, the veterans' association pushed for the long-awaited war service recognition and also other benefits. It did not seek merely the redress of an inequity among ex-combatants, but compensation for all ex-combatants. The association claimed that ex-combatants had never received any recognition for their liberation of the nation. The veterans' association demanded a Z\$500,000 tax-free gratuity or lump-sum pension and a Z\$2,000 tax-free monthly pension, free education and free health services for all ex-combatants and their dependants, and funds for projects. Ex-combatants also sought preferential admission into educational institutions and preferential access to housing, residential and business stands, government employment, and land.

On August 21, 1997, President Mugabe conceded a gratuity of Z\$50,000 and a Z\$2,000 monthly life pension for each ex-combatant, free education and health services for ex-combatants and their dependants, funds for business projects, funeral expenses, and twenty percent of future land resettlement plots.⁴⁹ The President reportedly said: "There is a greater readiness than there has ever been to assist you We will find the money for this and we can even borrow if we need to. Have you ever heard of a country that has collapsed because of borrowing?"⁵⁰ He took the blame for

⁴⁷ War Veterans Administration Bill: Memorandum from Minister of Labour, Manpower Planning, and Social Welfare (undated); Deputy Minister of Labour, Manpower Planning, and Social Welfare, 18 HOUSE OF ASSEMBLY DEBATES, col. 5222 (Apr. 7, 1992) (Zimb.).

⁴⁸ Letter from Mezhdyarodnaya, Njube, Bulawayo, to Editor, at 1 (Mar. 31, 1996) (on file with author).

⁴⁹ These benefits were provided under the War Veterans Act in terms of Statutory Instrument 281 of 1997. ZIMBABWE GOV'T GAZETTE (Supp.), Dec. 12, 1997. Veterans' pensions could be inherited by their spouses and children up until 18 years. *Id.*

⁵⁰ *Mugabe Bows to Ex-Combatants' Demands, Order . . . Huge Payout for Ex-Fighters. Veterans to Get \$50,000 Lump Sums, Free Education, Health*, FIN. GAZETTE (Zimb.), Aug. 28, 1997.

“the dire circumstances of poverty and begging that characterized the lives of many an ex-combatant.”⁵¹ He thanked ex-combatants for their party loyalty and called on them to revitalize the party.⁵² Ex-combatants accepted the Z\$50,000 gratuity only after the President promised to review it later. For some perspective on the value of compensation payments, an official estimate in 1998 was that seventy percent of the urban population earned less than Z\$2,000 per month. The Z\$50,000 gratuity was equivalent to the annual salaries of the lowest paid air traffic controllers, who are skilled workers.⁵³ Mugabe had defused arguably the biggest threat to his power since 1980. Indicating their tacit support for veterans’ demands, the ex-combatant-led army and police forces had uncharacteristically refrained from intervening to end the often violent protests of the demobilized ex-combatants.

Before long, representatives of the veterans’ association dismissed the payments as “peanuts,” amidst often violent protests and threatened violence.⁵⁴ In 1999, veterans won a 21% increase in their life pensions.⁵⁵ Despite a chronic economic crisis, life pensions, along with other state pensions paid from the Consolidated Revenue Fund, are continually increased to try to maintain their value against extraordinarily high inflation, underscoring the ruling party’s determination to retain ex-combatants’ political loyalty. In December 2002, veterans’ life pensions were Z\$8,000 per month.⁵⁶ They were increased to Z\$9,722 in 2003, backdated to July 2002. In January 2003, their pensions were raised to Z\$17,500 per month.⁵⁷ While the real value of pensions has been seriously eroded by inflation, by the end of 2003, the retirement pensions of most workers were no more than Z\$15,000 per month.⁵⁸

⁵¹ *Id.*

⁵² *Id.*

⁵³ For statistics on earnings that offer perspective on the size of pensions, see *Commission Warns Air Traffic Controllers Over Planned Strike*, THE STANDARD (Zimb.), Dec. 21, 1997.

⁵⁴ *War Vets Now Shameless Mercenaries*, ZIMBABWE INDEPENDENT, June 12, 1998.

⁵⁵ *Id.*; *Ex-Combatants Make Impossible Demands*, AFRIKA NEWS NETWORK, July 21, 1999; *Mahachi’s Tstotsis Can Really Run*, ZIMBABWE INDEPENDENT, Jan. 22, 1999; *Minister Escapes War Vets*, THE STANDARD (Zimb.), Mar. 28, 1999; *War Vets Want \$500,000 Each*, THE STANDARD (Zimb.), Mar. 14, 1999; *War Vets Want Mangwende Out*, THE STANDARD (Zimb.), Mar. 21, 1999; Editorial, *When Heroes Turn into Villains*, THE STANDARD (Zimb.), Apr. 19, 1998.

⁵⁶ Lloyd Mudina, *Zanu PF Agrees to Pay Gratuities to Ex-Detainees*, DAILY NEWS (Zimb.), Dec. 16, 2002.

⁵⁷ *War Veterans Pensions Up 80%*, DAILY NEWS (Zimb.), Feb. 3, 2003.

⁵⁸ *Pensioners Hurt by Record Inflation*, IRIN, Dec. 26, 2003.

How to pay for the 50,000 veterans' gratuities and life pensions, which were estimated to cost Z\$5 billion, triggered conflict with organized workers and even the ruling party's own usually docile parliamentarians. The World Bank suspended balance of payments support until the government could account for how it would pay for the unbudgeted scheme.⁵⁹ In December 1997, the government increased taxes on electricity, fuel, and goods and services, and introduced a new war veterans' levy on wages and salaries. Direct and indirect taxes already absorbed more than fifty percent of basic formal sector wages and salaries.⁶⁰ A day after organized workers demonstrated against the tax increases, the government officially withdrew the war veterans' levy and promised to remove the tax increases on electricity and fuel in early 1998.⁶¹ After a two-day nationwide stay-away in March 1998 and threats of a longer one in September, the government announced it would withdraw the sales tax increases in November 1998.⁶² In these conflicts, whites took the side of the workers because they too felt that large payments to veterans hurt their economic interests. The government's subsequent announcement that it intended to compulsorily acquire designated white-owned farms only exacerbated the anxieties of the whites.

The gratuities and life pensions also intensified conflicts among former allies in the liberation movement. Ever since the War Veterans Act of 1992 had made military training outside the country a crucial component of the definition of "veterans," former political prisoners, detainees, and restrictees had sought to be included in the definition of "veterans."⁶³ Well-represented in parliament and in the party leadership, and having their own organization, they claimed their suffering and contribution to liberation had been equal or superior to that of the younger fighters, a claim rejected by ex-combatant parliamentarians who represented about one-third of parliamentarians in 1992.⁶⁴

⁵⁹ *Bid to Mollify Ex-Combatants a Choker for Government*, ZIMBABWE INDEPENDENT, Sept. 19, 1997.

⁶⁰ *People's Power at Last*, THE INSIDER (Zimb.), Dec. 10, 1997; *New Culture Develops in Ruling Party*, AFRIKA NEWS NETWORK, Dec. 15, 1997.

⁶¹ *Vehicles Damaged as ZCTU Demonstrations Turn Violent*, ZIMBABWE INDEPENDENT, Dec. 12, 1997.

⁶² *Who the Hell is Tsvangirai?*, THE INSIDER (Zimb.), Mar. 17, 1998; *Zimbabwe's Month in Brief*, THE INSIDER (Zimb.), Sept. 24, 1998.

⁶³ War Veterans Act, § 2 (1992) (Zimb.).

⁶⁴ War Veterans Administration Bill, Second Reading, 18 HOUSE OF ASSEMBLY DEBATES (Apr. 2, 1992 & Apr. 7, 1992) (Zimb.). For the estimated number of parliamentarians who were veterans, see Mrs. Margaret Dongo, MP, War Veterans

They continue to fight for gratuities and life pensions. In 1998, they were promised the same benefits as the war veterans.⁶⁵ Some 7,000 met the contentious requirement of at least two years in prison or detention, but the government reneged on its promises.⁶⁶ In December 2002, the ruling party's annual conference resolved to pay gratuities and pensions to former political prisoners and detainees.⁶⁷ Opening the fifth session of the fifth parliament in July 2004, President Mugabe announced that the government would introduce the Zimbabwe Political Ex-Prisoners, Detainees and Restricttees' Association Bill.⁶⁸ Meanwhile, war collaborators, the youth who provided critical logistical support for the guerrillas during the war, and the widows of veterans who died before the government decision to pay veterans' compensation continue to demand gratuities and life pensions on equity grounds.⁶⁹

Persistent bickering over compensation for war contributions made the party's attempts at self-legitimation and nation-building controversial. Liberation war activists competed over whose suffering and heroism was greatest. This challenged the ruling party's project of building a nation and a history that celebrates official national heroes. Meanwhile, contestation over war hero status and compensation invites contempt from the "born-free" younger generation, workers, and others who find few benefits in independence. In 2002, Zimbabwean academic Brian Raftopoulos wrote more generally of the importance of the ruling party's control of the past for its legitimacy.⁷⁰

For the ruling elite, the battle for the past is usually as important as the fight to retain control in the present. This is because the past contains reservoirs of legitimacy which must be protected from dissenting

Administration Bill, Second Reading, 18 HOUSE OF ASSEMBLY DEBATES, col. 5163 (Apr. 2, 1992) (Zimb.).

⁶⁵ Mudina, *supra* note 56.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Presidency Dealing with Land Reform Anomalies*, HERALD (Zimb.), July 17, 2004. This bill was introduced in Parliament in October, 2004.

⁶⁹ Mudina, *supra* note 56; Sandra Mujokoro, *Ex-Detainees Expect to Get \$80,000 in Gratuities*, DAILY NEWS (Zimb.), Dec. 19, 2002.

⁷⁰ Brian Raftopoulos, *The Continuing Deadlock in Zimbabwe*, FINANCIAL GAZETTE (Zimb.), Dec. 19, 2002.

interpretations and enforced as a uniform process of national consciousness, unfolding in the inevitable victory of the ruling party and its great leader.⁷¹

IV. PENSIONS AS REPARATIONS?

Might the official apology and veterans' compensation payments in 1997 represent reparations? The traditional definition of reparations referred to material compensation that defeated states were required to pay to victor states. Recent studies define reparations more broadly to include both material and non-material redress. Reparations may encompass restitution (the restoration of the status quo), commemoration, apology, and material compensation.⁷² Rather than reparations being only between states, they now also involve government redress to its own citizens.

There are at least two different, though often overlapping, sources for reparation claims. Claims may have a basis in international human rights law and national legislation. Alternatively, claims may have a moral basis which address "[f]undamental feelings that justice needs to be done and that harm needs to be undone."⁷³ Claims with a basis in law include United States reparations to Japanese-Americans who were victims of racial prejudice during World War II, German reparations to Holocaust survivors, Japanese reparations to "comfort women" for the abuses by the Japanese military during World War II, and South African reparations for victims of apartheid who came before the Truth and Reconciliation Commission.⁷⁴ Claims with a moral basis include attempts to seek redress for unjust and discriminatory government policies.⁷⁵ For Elazar Barkan, such "historical injustices"

⁷¹ *Id.*

⁷² On the evolution of the concept of reparation, see Stef Vandeginste, *Reparation, in RECONCILIATION AFTER VIOLENT CONFLICT: A HANDBOOK* 145–47 (David Bloomfield, et al. eds., 2003). Vandeginste also alludes to how reparation measures used to be backward-looking, but now include forward-looking measures. *Id.*

⁷³ *Id.* at 148.

⁷⁴ See Theo von Boven, *Study Concerning the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms*, U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities, 45th Sess., U.N. Doc. E/CN.4/Sub.2/1993/8 (July 2, 1993); MARTHA MINOW, *BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE* (1998); CHRISTIAN PROSS, *PAYING FOR THE PAST: THE STRUGGLE OVER REPARATIONS FOR SURVIVING VICTIMS OF THE NAZI TERROR* (Belinda Cooper trans., 1998); RUTI G. TEITEL, *TRANSITIONAL JUSTICE* (2000); *WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN INJUSTICE* 61–80, 113–45, 157–68 (Roy L. Brooks ed., 1999) [hereinafter *WHEN SORRY*].

⁷⁵ Vandeginste, *supra* note 72, at 149.

include the claims of Australian aborigines and native Americans for "restitution," his comprehensive term for material and non-material compensation.⁷⁶

Still, precisely what constitutes reparations remains murky. Two approaches to defining reparations should highlight both significant differences and commonalities. Posner and Vermeule concede that "there are no clear conceptual boundaries that demarcate reparations from ordinary legal remedies, on the one hand, and other large-scale government transfer programs, on the other."⁷⁷ Hence, they offer merely a working definition of reparations that indicates the limits of their project. Ordinary legal remedies redress identified individual victims for wrongdoing committed by identified individual perpetrators; reparations may relax one or both of these requirements. Large-scale transfer payments are forward-looking in their motivation, seeking to deter future wrongdoing; reparations are more backward-looking in their justification, aiming to redress past injustices. Finally, they explicitly exclude cases in which the reparations are paid under legal compulsion, *e.g.*, a judicial order. They assert that demands for reparations more typically appeal from the courts to the moral norms held in society at large.⁷⁸ Posner and Vermeule further demarcate their interest in reparations from those paid involuntarily by loser states to victor states after wars as conditions of peace. Rather, the reparations of interest to them "are not paid in order to avoid violence or destruction, but to accomplish some other political or moral purpose, and they are usually paid to individuals or groups."⁷⁹

Asserting a more authoritative definition of reparations, Roy Brooks contrasts reparations with settlements: The former is a government response that seeks atonement for a commission of an injustice; in the latter, the government does not express atonement. "Usually, a reparation is easily distinguishable from a settlement by the presence or absence of an accompanying statement of apology."⁸⁰ In his stated conditions for the success of reparations, Brooks asserts that redress must emanate from the

⁷⁶ See generally ELAZAR BARKAN, *THE GUILT OF NATIONS: RESTITUTION AND NEGOTIATING HISTORICAL INJUSTICES* (2000).

⁷⁷ Eric A. Posner & Adrian Vermeule, *Reparations for Slavery and Other Historical Injustices*, 103 COLUM. L. REV. 689, 691 (2003).

⁷⁸ *Id.* at 691–93. For understandings of reparations that include forward-looking motives and a judicial approach, see Vandeginste, *supra* note 72, at 145, 151–53.

⁷⁹ Posner & Vermeule, *supra* note 77, at 694.

⁸⁰ WHEN SORRY, *supra* note 74, at 9.

legislature rather than courts on the grounds that legislatures everywhere in the world have greater law-making authority than courts.⁸¹

Common to both of these otherwise different approaches to defining reparations is the notion that reparations should not be coerced and should reflect some societal coming to terms with wrongdoing. Insofar as scholars consider apology a form of reparation, they emphasize the importance of the apology being voluntary rather than coerced.⁸² Barkan seems to convey a similar idea when he says restitution (his comprehensive term for reparations) depends more on moral than power politics.⁸³ Reparations should express a genuine desire to redress injustice. This is not to say that reparations will not depend on politics. For Brooks, one condition for the success of reparations is that political pressures must be brought to bear on legislators. Successful redress, he states, will depend on politics rather than the merit of victims' claims, though victims' claims must be meritorious.⁸⁴ Barkan's study of redress for historical injustices also understands that reparations requires strong political pressure, in which he singles out the effectiveness of "public shame."⁸⁵

How, if at all, does this discussion on reparations relate to veterans' compensation in 1997? Veterans' claims for compensation for their national war services had a moral rather than a legal basis. Despite having successfully liberated the nation from white rule, veterans claimed that the government had not officially compensated them for their sacrifices. The core of the veterans' grievances had to do with their sense that they had not benefited materially from the revolution they had won. Other groups—their former Rhodesian enemies, their leaders, and those who pursued their education during the war—had reaped the harvest of independence at the veterans' expense. Herein lay the root of veterans' sense of injustice.

The case against veterans' payments being reparations might be made on at least two grounds. In Zimbabwe, the President's acceptance of blame for those veterans who were impoverished was expressed under duress; he knew that failure to meet veterans' demands might result in a bloodless coup.⁸⁶ The

⁸¹ *Id.* at 6.

⁸² *Id.* at 114 (citing Nicholas Tavuchis).

⁸³ BARKAN, *supra* note 76, at 318.

⁸⁴ WHEN SORRY, *supra* note 74, at 6.

⁸⁵ See Vandeginste, *supra* note 72, at 149 (quoting BARKAN, *supra* note 76, at 318–20 (discussing the role of political pressure)).

⁸⁶ Sam Moyo & Paris Yeros, *Land Occupations and Land Reform in Zimbabwe: Towards the National Democratic Revolution*, in RECLAIMING THE LAND: THE RESURGENCE OF RURAL MOVEMENTS IN AFRICA, ASIA, AND LATIN AMERICA (Sam Moyo

President's lack of sincerity in accepting blame for the predicament of impoverished veterans was made explicit when, less than a year later, he criticized the life pensions and gratuities. Before Heroes' Day in 1998, he told a Zimbabwe Broadcasting Corporation radio interviewer that, "Nobody went to the war to be paid. No. Rather, the reward was land. This is what people fought for."⁸⁷ But is Zimbabwe's case any more contradictory than the notion that reparations are the product of sincere apologies made as a result of political pressure?

The second reason for caution against viewing veterans' compensation in 1997 as reparations has to do with the validity of the veterans' claim of official neglect and failure to compensate them for their national services. The veterans correctly assert that the government never gave them explicit material compensation for their war services. However, the government had various policies that effectively compensated them for their war services: preferential central and local government hiring and promotions, government job creation for veterans who did not meet the formal educational criteria for government posts, and demobilization pay for guerrillas (but not for those black Rhodesians in the army whom the new government labeled paramilitaries). Moreover, the government had recognized the war service years of ex-guerrillas in state employment for retirement pensions and compensated the war-disabled veterans more generously than unemployed war-disabled civilians. Veterans were not victims of absolute official neglect. What term would best capture these preferential government policies and retroactive laws to incorporate veterans?

If veterans were not victims of absolute neglect, how did their post-war benefits compare with those of other groups? How do you measure benefits, suffering, and contribution? What are the relevant groups for comparison? Only rough arguments can be offered. The strongest case against veterans' claims of official neglect come from comparing their official benefits with those of other rank-and-file liberation war activists who organized after the war—the youth, today known as "war collaborators," and former political detainees, prisoners, and restrictees.⁸⁸ Veterans' claims of superior war contributions and suffering vis-à-vis these groups, as well as others, such as peasants and the rural African elite, are difficult to sustain. Such claims also

& Paris Yeros eds., forthcoming Apr. 2005). These two authors, both supporters of ZANU(PF)'s land occupations, agree that veterans' demands in 1997 presented a security threat to the government because of their prominence in the state security apparatus, including the President's office.

⁸⁷ *Comrades Shouldn't Have Been Paid, Says Mugabe*, THE STANDARD (Zimb.), Aug. 9, 1998.

⁸⁸ KRIGER, *supra* note 2, at 187–88.

contradict the understanding of guerrilla war as requiring the interdependence of civilians and fighters and of actually blurring the lines between military and civilian roles. The veterans' case of neglect is stronger than that of the economically better-off post-war leadership, educated blacks, and whites. But other liberation war participants could make the same case. As a group, veterans' main post-war disadvantage stemmed from their low levels of education rather than official neglect. Most veterans had, at best, primary schooling.⁸⁹ To what extent did veterans' war participation lead, as they claim, to lost educational opportunities? Some blacks did continue to receive an education during the war, either inside the country or overseas. However, many rural schools closed during the war, either on Rhodesian or guerrilla orders, disrupting education for school-going black children. Veterans attending school were not the only group whose education was disrupted. Moreover, many veterans had already left school when they went to fight, either because their parents could not afford school fees or because they were unable to get into the small number of secondary schools for blacks. Racially discriminatory educational policies affected veterans and most civilians alike.

The similarities between the politics of veterans' pensions and the politics of reparations are often quite striking. In particular, the competition over who suffered most that characterized the debate in Zimbabwe has its counterparts in reparations politics in other cases. Luc Huyse observes, albeit in the context of victims of atrocities, that:

It is tempting to see all those who have suffered from violent conflict as natural allies, even as members of one harmonious family. History, however, teaches us that victims frequently compete fiercely with each other for recognition, for material resources such as compensation and positive discrimination in the areas of housing and education, and for symbolic goods such as monuments, medals, memorial days and other types of commemoration.

Most common is competition between victims of the same atrocities. There are historical studies of the bitter post-World War II struggles between the various victims of the German invasion in Belgium, France and the Netherlands. Resistance fighters, forced labourers, persecuted patriots, and anti-fascists, communists and surviving Jews all tried to represent their own suffering as greater than that of others and to make their experiences dominant in the national war memory. The pattern is repeated again and again in many contexts today. In Burundi, for example, it is usual for Tutsi

⁸⁹ *Id.* at 93.

leaders to boycott the inauguration of any memorial to Hutu victims, and vice versa.⁹⁰

Another commonality between the politics of reparations and veterans' pensions is that beneficiaries often expect that material recognition will exceed public welfare assistance and do not want assistance to be seen as welfare.⁹¹ In Zimbabwe, veterans unsuccessfully opposed having the provision of government assistance schemes in terms of the War Veterans Act of 1992 fall under the social welfare ministry, which they felt stigmatized them.⁹² In behind-the-scenes discussions on this legislation, the responsible minister expressed support for veterans' belief that because of their heroic war participation, they should not have to rely on public welfare, which was far below the poverty datum line.⁹³ Similarly, reparation payments that do not exceed public welfare or are paid under the auspices of a welfare ministry often come in for criticism.⁹⁴

Whether to call veterans' pensions and other state benefits "reparations" assumes importance only because of a glaring lacunae in the literature on transitional justice. Transitional justice studies consider reparations as one

⁹⁰ Luc Huyse, *Victims*, in RECONCILIATION AFTER VIOLENT CONFLICT: A HANDBOOK, *supra* note 72, at 64.

⁹¹ Vandeginste, *supra* note 72, at 158 (noting that victims' expectations and perceptions of reparations may vary widely based on, *inter alia*, "socio-economic position, whether they are in exile or not, gender, and the passage of time since the violations"). In contrast to a common emphasis on victims' expectations for reparations that exceed public welfare, Minow gives attention to victims whose oppression lowers their expectations. See MINOW, *supra* note 74, at 105–06.

⁹² In the veterans' draft bill, they wanted government schemes of assistance to be under the Minister of Finance, Economic Planning and Development rather than the welfare ministry. War Veterans Investment and Administration Bill, at 1–2 (1992). Moreover, veterans did not want welfare, they wanted economic empowerment.

⁹³ War Veterans Administration Bill: Memorandum by the Minister of Labour, Manpower Planning and Social Welfare, at 6–7 (undated).

⁹⁴ See, e.g., George Hicks, *The Comfort Women Redress Movement*, in WHEN SORRY, *supra* note 74, at 123 (noting that an organization representing comfort women in South Korea rejected a proposed Japanese relief fund, arguing that it was welfare money and would signal renewed humiliation for them). They sought individual compensation. Hicks notes that, among other reasons, the Japanese government-funded reparations plan that pays each surviving Filipino comfort woman monetary compensation has been faulted because funds are paid through government welfare agencies in the Philippines, which makes the money seem more like welfare than reparations. *Id.* at 124. For the alleged inadequacy of German government reparation payments to Holocaust survivors, see Hubert Kim, *German Reparations: Institutionalized Insufficiency*, in WHEN SORRY, *supra* note 74, at 78.

mechanism to address human rights injustices after the downfall of authoritarian regimes or the end of wars. Other mechanisms are trials, purges, and amnesties. Of this repertoire, veterans' benefits most closely approximate reparations. But the fit is imperfect. Reparations in the transitional justice literature are usually for civilian victims, the perpetrators are predecessor governments, and the injustice is usually a legally-based human rights atrocity. The claims that guerrilla armies and their civilian supporters might make on successor governments for official recognition of their unpaid national services and sacrifices are simply ignored. One possibility is for further evolution in the concept of reparations to accommodate these groups' claims on the state. It is imperative, though, that scholars of transitional justice reckon with these groups and their claims in post-transition societies.

V. CONCLUSION

Liberation war veterans sought official recognition for their unpaid war services in multiple arenas. This article focused on their pursuit of official recognition in the arena of pensions. Except for war-disability pensions which were a government initiative, other pension benefits—recognition of war service years for state-employed ex-guerrillas for the purposes of calculating retirement pensions and veterans' compensation payments—were the product of the ruling party's accommodation of veterans' political pressures. Likewise, repeated increases in war-disability pensions were also won through veterans' political bargaining. The ruling party's accommodation of conflicts with guerrilla veterans over pensions had much to do with the extent to which its power and legitimacy depended on veterans' political support. Herein lay the source of veterans' power.

In 1997, veterans inside and outside state institutions joined forces and extracted from the President a promise of huge compensation payments for their war services as well as other benefits and a presidential apology for official neglect. Both because the President conceded these benefits in order to prevent the downfall of his party and because the veterans' moral claim of either absolute or relative official neglect is suspect, the case can be made against understanding these concessions as reparations. Indeed, veterans' privileged status engendered demands from other groups in society seeking comparable benefits, notably civilian liberation war groups and the non-war disabled. The equity issues that veterans' pensions triggered—among veterans, between veterans and other liberation groups, between veterans and the ruling elite, and between veterans and workers—made the liberation war a terrain of endless conflict. Competition over war contributions and rewards

continuously challenged the ruling party's projects of legitimation and nation-building, themselves dependent on its version.