



***Conflict or Collapse?
Zimbabwe in 2016***

**Report prepared by the Research &
Advocacy Unit (RAU)**

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1. Executive Summary

Violence has been woven through the intricate fabric of Zimbabwe's political history in various forms which include murder, beatings, rape, death threats, abductions, arbitrary arrests, torture, forced displacement, property damage, harassment, intimidation and terrorisation. It has been used as the weapon of choice by the governments in power since the declaration of UDI in 1966 through to post Independent Zimbabwe as a measure to ensure retention of power at all costs.

This systemic assault has had the desired effect of ensuring the nation is risk averse and as shown in the Afrobarometer surveys citizens are careful about what they say in public and "that civil society, with few exceptions, can be described as "risk averse" (Masunungure,2006), and other commentators point out the apparent passivity of Zimbabweans in challenging the state (Mills, 2014)."

Much of the analysis of "risk aversion" centres on the fear generated by a highly coercive state. For example, Afrobarometer surveys from 1999 show a marked increase in the number of citizens who say that are careful about what they say in public, "often" or "always" – increasing from 59% in 1999 to 89% in 2014. This is further supported by a recent analysis of political risk in Africa, which included Zimbabwe (Bratton and Gyimah-Boadi, 2015).

In this Political and Economic Assessment, the Research and Advocacy Unit in its review of landmark events in the country's political history explores the possibility that deteriorating standards and conditions in the country may be pushing people to take action.

Also highlighted in this PEA is the notion that citizens are less focused on elections, political violence and Constitutionalism and more concentrated on the issues that affect their everyday lives such as the economy, employment, food security, health and even crime and security.

It is probable that the deterioration in Zimbabweans livelihoods is adding to a new assertiveness, as was seen in the response of the vendors to attempts to displace them from the cities (RAU,2015).

A weak adherence to the rule of law and compromised judiciary has had an adverse effect on Zimbabwe's economy, resulting in socio-economic deprivation for the majority of Zimbabweans.

The country has undergone an extensive period of ineffective economic management resulting in an informalised economy to the extent, that some estimate 90% of employment is petty trade, vending, and artisanal mining. Added to the equation are the collapsing infrastructure and the costs of rotten roads, erratic power, poor sewage and sanitation as cities become hubs for those fleeing rural collapse, especially with current and future impact of climate change and the severe drought.

The Zimbabwe Vulnerability Assessment Committee (ZimVac) estimates that three million Zimbabweans will be food insecure in 2016-2017.

The state which has been dominated by the immense power centralised in the presidency and Robert Mugabe, is facing internal challenges by way of factionalism within the party. The contentious confrontation between the two factions is spilling into all sectors of society. This is evidenced by which there are conflicting positions on policy by government officials. President Mugabe

A critical issue for both political parties and civil society, but rarely acted upon, is the fact that the passing of the amended constitution into law in 2013 rendered all legislation inoperative and unenforceable that was at base ultra vires the constitution. However, the government and government agencies persist in implementing unconstitutional laws and regulations, apparently under illusion that these laws remain operative until new or amended legislation is put in place.

The recent mass demonstration by the MDC-T in Harare may be an indicator that Zimbabweans are more willing to take risks. Here it is also important to note that this demonstration was also an indicator of the ways in which the new constitution, underpinned by the courts, may be creating new spaces for civic action.

The PEA - Conflict or Collapse - Zimbabwe in 2016 also suggests that there may be a need to shift from “big” to “small” politics as this may provide considerable traction in developing peace and reducing conflict, particularly because the issues in “small” politics rise above narrow political party matters.

2. Background

Zimbabwe has a continuous history of violent conflict, dating back to the original occupation in the 1890s. Violent problem solving has been a feature of all governments, and persists today (Sachikonye, 2011). States that emerged out of violent struggle through liberation movements seem to have developed differently to those that emerged through peaceful handovers (Clapham, 2012), and this is very evident in contemporary political dynamics in Zimbabwe (Bratton, 2014; Reeler, 2014).

The Liberation War, whilst beginning in the aftermath of UDI, reached a peak in the 1970s, with over 30,000 killed, thousands maimed or injured, tens of thousands tortured or abused, and tens of thousands displaced – either to neighbouring countries, or forced into “*protected villages*” (Reeler, 2004). Following a very brief period of peace, the country was once again wracked by extreme violence between 1982 and 1987, the so-called Gukurahundi, ending with the Unity Accord in 1987. It is estimated that about 20,000 civilians were killed during this time, and once again torture became an epidemic (CCJP & LRF, 1997; Amani Trust, 1998).

Two other significant episodes of violence need comment. The 1998 Food Riots, predicated by deepening poverty and increases in food prices, led to a very violent response from the government, with thousands arbitrarily imprisoned, and many thousands tortured, beaten or abused (HRF, 1999). In 2005, and strangely following ZANU PF’s resounding victory in the elections that year, the government, under the guise of urban renewal, displaced over 700,000 people in *Operation Murambatsvina*. This brought widespread international condemnation and accusations of genocide, and had devastating consequences for a populace already reeling under growing poverty (ActionAid, 2005). There was much speculation that this latter “*operation*” had little to do with urban renewal, and everything to do with pre-empting urban opposition and organisation against the government.

Outside of these two very serious periods of violence, the Liberation War and the Gukurahundi, virtually all elections since 1980 have been marred by political violence (Makumbe & Compagnon, 2000; CSV, 2009), and some were much more violent than others, especially since 2000. Presidential elections, 2013 apart, seem particularly violent, as the stakes for retaining the immense power of the presidency are so very high. Whilst the elections in 2008 were not more violent than those in 2002, this latter election did not receive the usual support from SADC and the AU, and forced ZANU PF into a power-sharing arrangement with the MDC (the Global Political Agreement (GPA)) resulting in the Inclusive Government.

The consequence of these violent elections, the violent displacement of commercial farmers and farm workers, attacks on the judiciary, and the frank abandonment of the rule of law, led to Zimbabwe being suspended from the Commonwealth, dispute proceedings being instituted by the European Union under the Cotonou Agreement, leading to “restrictive conditions” being imposed on Zimbabwean political leaders, and the imposition of sanctions by the United States.

All of this violence has had a marked effect on the nation, with estimates of the trauma caused by three, nearly four, decades of political violence suggesting hundreds of thousands of trauma victims in need of rehabilitation and assistance (Parsons et al. 2011). It has left a nation that is one of the most desirous of democracy in Africa also one of the most

pessimistic about ever achieving this, and a citizenry that is regularly termed “*captured*” or mere “*subjects*”.

3. The Origins of Conflict

3.1 The Legacy of Political Violence in Zimbabwe

As indicated above, Zimbabwe experiences high and fluctuating levels of political violence. 75% of political violence from 1997 to 2016 was directed at civilians, this is well above the average in Africa of 30%.¹ As can be seen from Table 1, Zimbabwe, when compared to SADC countries in which former Liberation movements are currently in government, is the most conflict-ridden country in the region, and the violence is strongly associated with elections (RAU, 2016)

Table 1
Percentage of conflict incidents by total & by elections
[Source: ACLED database.2014]

	Percentage of Total	No election	Election
Angola	21.80%	99%	1%
Mozambique	4.10%	58%	42%
Namibia	4.20%	73%	27%
South Africa	33%	71%	29%
Zimbabwe	36.90%	54%	46%

Table 2 (below) reveals that, in Zimbabwe, far fewer violent acts are caused by riots or protests in Zimbabwe, and most violence is against civilians, twice as much as the next worse SADC country, Mozambique.

The actors most likely to be identified as perpetrators of violence in Zimbabwe were massively political militia and government forces (Table 3 over). Many studies document the types of perpetrators, and the army, the police, the CIO, ZANU PF leaders and supporters, “war veterans”, and the graduates of the National Youth Training scheme are all identified with great frequency (CSVR, 2009).

Table 2
Percentage of types of violence
[Source: ACLED database. 2014]

	Military conflict	Non-violent civil conflict	Riots	Violence against civilians
Angola	73.2	5.5	4.2	16.7
Mozambique	19.3	8.2	37.4	34.8
Namibia	15.5	2.6	63.4	18.3
South Africa	2.8	1.3	79.2	16.8
Zimbabwe	1.5	6.0	13.8	76.2

According to numerous Zimbabwean civil society reports, the forms of violence include murder, beatings, rape, death threats, abductions, arbitrary arrests, torture, forced displacement, property damage, harassment, intimidation and terrorisation. Although the total number of violent events has gone down, they have become more dispersed (ACLED, 2015). More recently, there are increasing numbers of reports of intra-party violence,

¹ See - <http://www.crisis.acleddata.com/violence-in-zimbabwe/>

especially related to the “succession” struggle taking place within ZANU PF.² Furthermore, there must always be cognisance of the manner in which political problem solving in the country has always involved violence (Sachikonye, 2011).

Table 3
Perpetrators of violence
[Source: ACLED database.2014]

	Angola	Mozambique	Namibia	South Africa	Zimbabwe
Government force	77%	12%	12%	7%	23%
Rebel force	5%	0	9%	0	0
Political militia	1%	44%	6%	11%	63%
Ethnic Militia	0	0.4%	1%	5%	0.3%
Rioter	0.3%	21%	4%	30%	4%
Protestor	4%	18%	59%	47%	10%
Civilians	12%	3%	2%	0.6%	0.6%
Outside force	0.6%	1%	5%	0.4%	0.4%

3.2 Elections

The greatest concern about elections in Zimbabwe is always political violence. Elections in 2000, 2002 and 2008, were all violent as Table 1 (Section 2) and Table 4 demonstrate.³

Table 4: Frequencies of identified perpetrators, election years compared with non-election years (%)

	Election year	No election
Police (ZRP)	16.2*	13.6
Army (ZNA)	3.7	8.8*
MDC	3.7*	2.2
Zimbabwe National Liberation War Veterans Association (ZNLWVA)	5.1	4
ZANU PF	44	50.5*
Unidentified armed group	7.3*	4.1
Protestors	10.8*	8.3

* Statistically significant; Chi², p=0.0001

Source: ACLED data base, Zimbabwe 1997 to 2014

However, it is not the case that it is violence alone that has won ZANU PF elections. For example, in 2005 and 2013, ZANU PF won a two-thirds majority in both elections in the absence of political violence, and here it is apposite to point out that elections have been won both through violence and extremely efficient electoral rigging (Matyszak, 2013; Bratton, Dulani & Masunungure, 2016).

The 2013 elections have also led to contested explanations for the massive swing in popular support for Robert Mugabe, with a number of commentators suggesting that this was due to an increase in ZANU PF’s social base and a loss of faith in the MDC-T. Neither of these

² ZPP (2016), Zim body politic in Uncharted Territory. February 2016. Harare: Zimbabwe Peace Project. See also “Lacoste Thugs run amok in Midlands”. *Daily News*. 5th April 2016.; “Zanu PF supporters disrupt Parly meetings”. *Newsday*. 18th April 2016.

³ 46% of all recorded events concerned elections, with an average of 545 reports for election years (5 out of 18 years since 1997) as opposed to 210 for non-election years (13 out of 18 years). Total number of recorded events on the ACLED database for Zimbabwe was 5,075 reports, as opposed to 561 for Mozambique, 3001 for Angola, 573 for Namibia, and 4540 for South Africa. The rationale for contrasting these SADC countries in particular was that they are all countries in which liberation movements still compose the governments of those countries. Data extracted from ACLED Version 5 (1997 – 2014). Accessed online on 5 November 2015 <http://www.acleddata.com/data/version-5-data-1997-2014/>

views stands the test of empirical scrutiny. Morgan Tsvangirai and MDC-T received almost exactly the number of votes in 2013 that they did in 2008: ZANU PF's increase was not due to taking votes from the MDC-T (Matyszak, 2013; RAU, 2014). Furthermore, all empirical analyses reported multiple sources of possible rigging; manipulations of the voters' roll, assisted voting, huge numbers of voters being turned away, unknown number of voters using "voters slips", and enormous numbers of security personnel voting in unmonitored ways. It is not the decrease in the vote share for MDC-T that requires explanation; rather it is to explain the enormous and improbable increase in affection for Robert Mugabe and ZANU PF.

This short diversion into election issues is to raise the profile of the implications of the government's control of state institutions, with the role of the security sector paramount, and to point out that all of this is only possible with a united ZANU PF. Elections in 2018 will undoubtedly take place in a wholly new environment with the emergence of Zimbabwe People First, (ZPF) and require, if rigging alone is the method of maintaining political power, completely new strategies from ZANU PF. Here violence becomes again a serious probability.

3.3 Who dunnit?

A major issue is on how to precisely characterise the Zimbabwean polity: is it a failed, fragile, frail, or predatory state (Bratton, 2014; Bratton & Gyimah-Boadi, 2015; Bavister-Gould, 2011; Bratton & Masunungure, 2011). Probably the last is the most appropriate, and, even though the economy continues to deteriorate, state institutions remain strong and completely under the control of the regime. As pointed out above, the role that state agencies and proxy militia play in the control of coercive power is crucial (see Table 3). However, there is also the question about whether the coercive power of the state will persist in the face of the current faction fighting in ZANU PF, and, here, it is instructive to note that a comprehensive analysis of the causes of instability, both globally and for Sub-Saharan Africa, concludes that instability may be reliably predicted from a crucial state configuration: partial democracy, or "*anocracy*", and factionalism (Goldstone et al, 2010). Zimbabwe, as the predatory state label suggests, would be fairly described as a *partial democracy*, but, until 2013, the only factionalism of any consequence that could be identified was the (weak) parliamentary opposition from the MDC. The current splitting that is accompanying the vicious succession struggle within ZANU PF suggests that there should be considerable concern for marked instability, with a high probability of state collapse and possible violence (see also section 2.3.1 following).

3.3.11 Political parties

As indicated above, the Zimbabwe polity is variously characterised, but the best fit is with the notion of Zimbabwe as a predatory state, fitting almost exactly the description given by Bavister-Gould (2011), and contextualised for Zimbabwe by Bratton and Musunungure (2011). The state is dominated by the immense power centralised in the presidency and Robert Mugabe, but this seems to be eroding currently in the face of an increasingly vicious battle within ZANU PF over succession (Matyszak, 2015a; 2015b).

The expulsion of the so-called "Gamatox" faction in 2013 has led to a new political configuration in the form of ZPF, headed by former Vice-President, Joice Mujuru. Whilst it is too early to estimate the popular base of ZPF, indications are that it has an unknown degree

of support both inside and outside ZANU PF, which is leading to further defections and expulsions within the latter. There are also numerous calls for a coalition between opposition parties, but, despite the many reports of talks taking place, no real evidence that this will come to fruition. In electoral terms, and thinking ahead to the 2018 elections, a key question will be whether a coalition can unseat ZANU PF's power; whether the Mugabe social base can be eroded by changes in allegiance to ZPF; whether ZPF and MDC-T will split the vote between them to the detriment of both; and whether there will be serious pressure to ensure a genuinely level playing field for all (see Section 2.2.3).

There has been additionally the widespread speculation, despite endless denials, that Robert Mugabe intends to maintain his personal power through succession by his wife, Grace Mugabe.⁴ However, recent months have suggested rather that Grace's emergence into the political arena has been more a factor in the faction fighting, and growth influence of the so-called Generation 40 (G40) group, with the corollary diminution in the power of Vice-President, Emmerson Mnangagwa, and the so-called *Team Lacoste*. Mugabe seems now unable to control this faction fighting as he was able to do in the past and at least one political commentator suggests that the continuing disunity within ZANU PF makes it unlikely that the party could legitimately win the 2018 elections (Mandaza, 2016).

A key issue in the problem of succession within ZANU PF will be the link between the national and the ZANU PF constitution (Matyszak, 2016).⁵ The manner in which both are inextricably linked can lead to considerable problems in the event of the death, capacity or resignation of the president.

It is evident that the faction fighting within ZANU PF, the emergence of ZPF, and the very recent demonstration of popular power by MDC-T, seems to be leading to new possibilities for opposition political parties. After the demoralising result of the 2013 election result, opposition parties seem moribund and mirroring ZANU PF in their own faction fighting. However, the faction fighting with ZANU PF, the absence of any obvious government, and the severe economic decline may have created both increasing popular discontent with the government and new space for political action by opposition political parties.

In this chaos, a key factor will be the attitude of the security sector.

3.3.2 The role of the security sector

It has been continually alleged that the security sector, and primarily the Joint Operations Command (JOC) has had control of both all violence and intimidation (HRW. 2008), as well as a strong hand in election rigging. These allegations have been given strong affirmation by the President himself. In his address to the April 2016 meeting with the war veterans, Mugabe thanked the military and the war veterans explicitly for his election victories in 2008 and 2013.⁶ This directly confirms the importance of the security sector in the maintenance of

⁴ See, e.g. Grace rocks Mnangagwa. *Daily News*, 15 November 2015.

⁵ This forthcoming book summarises a number of previous reports on this issue. See, for example, Matyszak, D. A (2015). *Coup de Grâce? Plots and Purges: Mugabe and ZANU PF's 6th National People's Congress*. July 2015. *Harare: Research & Advocacy Unit*.

⁶ "Mugabe remarks expose military". Elias Mambo. *Zimbabwe Independent*. April 15, 2016.

ZANU PF's political power, and, has been pointed out, violates both the constitution and the laws governing the security sector (Matyszak, 2011).

Previous research has shown the involvement of the security forces in violence, and multiple reports by the Zimbabwe Human Rights NGO Forum and others have described the organisation of this violence around local "bases" (HRF, 2000; HRF, 2001; HRF, 2002). The reports show that there is consistently a variable core of ZANU PF officials (including Ministers, Members of Parliament and local councillors), policemen, soldiers, intelligence operatives, traditional leaders and "Youth Officers".⁷ This system of repression was evident in 2012, but there is no current information about the system, and hence it is difficult to determine whether the internal conflicts in ZANU PF are having an effect here. The gap in understanding is important since the existence of the repressive system or its collapse can have a very direct effect upon citizen and civil society activities.

3.3.3 Proxy forces

Zimbabwe, in common with other SADC countries, is governed by a former liberation movement, and, as Clapham (2012) has indicated, this has important ramifications for the style of government in those countries (2012). It also points out the centrality of former freedom fighters in the affairs of the country, and, as indicated earlier, there is some evidence that countries governed by former liberation movements may be inherently violent (RAU, 2016). Zimbabwe is the most violent of these five SADC countries – Angola, Mozambique, Namibia, South Africa, and Zimbabwe – especially around elections (see Table 1 above).

A key feature of the political violence in Zimbabwe has been the involvement of "war veterans" and other party-affiliated militia groups, such as *Chipangano* in Harare or *Al Shabab* in the Midlands.⁸ The latter may well be affected by the intra-party conflict in ZANU PF,⁹ but it is hard to predict whether this will result in intra-party violence or will cause the elimination of such groups. It is also difficult to ascertain whether these proxy groups represent factions within ZANU PF or are merely opportunistic players taking advantage of the confusion currently.

As for the war veterans, this has taken a complicated turn in recent months during 2016, with the war veterans entering the faction fighting, apparently in defence of Vice-President, Emmerson Mnangagwa. However, there are also reports that some war veterans are now hostile to the Vice President, some even calling for the resignation of the President. Whilst there is little concrete evidence about the disposition of the war veterans, they seem to divide their support among the President, the President's wife, Grace Mugabe, Mnangagwa, and Joice Mujuru. At least one very senior former army officer and former freedom fighter, Brigadier Agrippa Mutambara, has publicly resigned from ZANU PF and joined ZPF. This may presage further splitting amongst the war veterans.

⁷ See Sokwanele, *The Anatomy of Terror*.

⁸ The term "war veteran" can be confusing, and will include former soldiers that have served in the army post-Independence, and should not be confused with those that fought in the Liberation War, for whom the term "former freedom fighters" is more appropriate. Here, in regards the latter, a distinction can be made between the members of the Zimbabwe National Liberation War Veterans (ZNLWVA), a much discredited body and the Zimbabwe Liberators Platform, a more genuine body of former freedom fighters.

⁹ "Lacoste Thugs run amok in Midlands" *Daily News*. 16 April 2016

Of the various proxy militia groups supporting ZANU PF, the paramount group is the graduates of the National Youth Training scheme, known as the “Green Bombers”. Their visible presence waxes and wanes, but they have been consistently identified in human rights reports as serious offenders (CSVR, 2009). They may be an important vector in 2018 with the suggestion by the Minister of Youth, Indigenisation and Economic Empowerment to re-introduce the National Youth Service programme, which he claimed had previously trained 80,000 young persons.¹⁰ Given the history of their deployment, and the massive levels of youth unemployment, could be very worrying. In addition, there are frequent reports that a substantial number of the “Green Bombers” are already employed in various capacities in the civil service such as “youth officers” in rural areas.

3.3.4 Civil society

Civil society organisations had a good opportunity to develop new strategies during the Inclusive Government, but this opportunity was largely lost. Here too much attention was given to the constitutional process at the expense of pushing for the reform of state institutions as was mandated under the Global Political Agreement (RAU, 2010). Additionally, civil society is undergoing considerable change, both as a consequence of the competition for greatly reduced donor funding and the changed political landscape. Formerly powerful agents, such as the National Constitutional Association (NCA) or the Zimbabwe Congress of Trade Unions (ZCTU), are severely weakened: a recent report suggests that the ZCTU is bankrupt, probably due to the enormous job losses in the past three years especially, whilst the NCA has become a very minor political party.

However, the changed political environment may well be creating new spaces for civic action. In a Research and Advocacy Unit (RAU) statistical analysis of active citizenship, social capital, and political efficacy, the study identified four distinct citizen groupings: ZANU PF supporters, MDC-T supporters, active citizens and *disconnected democrats*. The fourth group seems to have neither political affiliation nor community connectedness, and is characterised as being urban, educated and employed. Civil society has been slow in recognising the active citizens group as primary target for its activities; however a handful are using the 2013 Constitution as a vehicle to stimulate community dialogue on its content and what it calls upon duty bearers to deliver in terms of their constitutional rights and freedoms. It remains to be seen whether this education process will engender greater democratic activity or inspire reconnection of citizens.

Civil society is not merely non-governmental organisations, but includes mass movements as well as survivalist groups - numerous small groups and organisations, mostly dealing with local problems around a charitable goal (Habib, 2013). Here the engagement of the churches with the transitional justice processes marks a change in the willingness of the large churches to get involved in matters related to governance, and it is probable that this will increase as the crisis in Zimbabwe deepens. The lack of leadership of the churches and the trade unions has been a serious impediment to effective civic action in the past decade, perhaps creating the space for the enormous growth of the so-called prophets and the “prosperity” churches.

¹⁰ “ZANU PF to recruit 80 000 green bombers”. *iHarare*.29 December 2015.

3.3.5 The economy

It is banal to point out that the economy is in deep trouble. The transformations brought about by the “Fast Track Land Reform Programme” (FTLRP), led directly to the collapse of commercial farming and the manufacturing sector and the consequent displacement of millions of workers and a man-made humanitarian crisis. The long period of ineffective economic management – the short period of the GPA excluded – have informalised the economy to such an extent that some estimate 90% of employment is petty trade, vending, and artisanal mining.

Mining is now the major foreign currency earner, but all economic actors are hamstrung by the lack of a clear and consistent policy direction from government. Furthermore, the possibilities of revenue from diamonds have been wholly dissipated by opaque policies, elite capture of the resource, and now massive dissimulation about the loss of revenue.¹¹ Endemic corruption and policy contradictions have resulted in both capital flight and disinterest by many external players in direct investment. As regards the latter, remittances are probably a far greater contributor to the economy than Foreign Direct Investment (FDI), but the former has little direct effect upon the economy since very little enters the formal economy through tax or savings. Added to the equation are the collapsing infrastructure and the costs of rotten roads, erratic power, poor sewage and sanitation as cities become hubs for those fleeing rural collapse, especially with current and future impact of climate change and the severe drought.

3.3.6 Land and Food

Issues around land reform are subject to the same policy inconsistencies that affect other areas of the economy. However, the most serious implication of the FTLRP is in connection with food security. According to the Zimbabwe Vulnerability Assessment Committee (ZimVac), 1.49 million people of the rural population would be food insecure during the peak hunger period between January and March 2016. This figure has proved to be conservative, with the effects of the El Nino influenced drought having a much larger effect on cropping. The original figure has been drastically revised, and ZimVac now estimates that three million Zimbabweans will be food insecure in 2016-2017.¹²

Whilst it is obvious that drought cannot be avoided, planning for drought can be and here the abandonment of any planning and the absence of policy have exacerbated the situation enormously, leaving millions of Zimbabweans, both rural and urban, at risk of extreme hunger and even starvation. The downstream effects are difficult to gauge, but some recurrent themes are suggested.

Firstly, rural citizens will require food assistance on a very large scale, and this will make them vulnerable to patronage and coercion around food hand-outs. This has been a recurring theme in past elections, and already there are allegations about violations involving food (ZPP, 2016.). This is well documented and there is an extensive literature on the links between land, food, patronage, and coercion (Hammar, Raftopoulos & Jensen, 2003; International Crisis Group (ICG)).

¹¹ For a comprehensive analysis of the diamond debacle, see Saunders, R., & Nyamamunda. T (2016), *Facets of Power. Politics, Profits and People in the Making of Zimbabwe's Blood Diamonds*. Harare: Weaver Press.

¹² ‘3m Zimbabweans face hunger’. *DailyNews*, 5 March 2016

Table 5: Relations between food insecurity and poverty (rural & urban)

[Source: Afrobarometer, Rounds 5 & 6]

	Gone without food [“often” & “a/ways”]	Gone without cash income [“often” & “a/ways”]
2014 (rural)	14.7%	62.2
2012 (rural)	21.4%	53.9
% change: 2012 to 2014	6.6%	8.3%
2014 (urban)	4.4%	40.6
2012 (urban)	6.6%	29.8
% change: 2012 to 2014	2.2%	10.8%

Secondly, the informalising of the economy has resulted in deepening poverty and, with Zimbabweans now existing on greatly reduced income, daily hunger has now become a feature of urban existence itself. Data from the Afrobarometer surveys of 2012 and 2014, based on citizen opinion and asking the questions *how often have you gone without food in the past year* and *how often have you gone without cash income in the past year*, provides an interesting insight into Zimbabweans. The contrast was between those that reported these events, *always* or *many times*, with those that reported less frequency, *never just once or twice*, or *several times*. This suggests two findings of empirical content.

Firstly, the correlation between lack of income and lack of food is highly significant for both years, which suggests that there will be synergies between drought, poverty and hunger. This should be expected.¹³

Secondly, these changes point to two other issues of concern for any understanding of possible conflict. One has been highlighted already; the vulnerability of rural people to food violations and patronage. The other issue relates to the possibility of urban unrest, exacerbated by hunger. Zimbabwe has only seen one major upheaval related to economic adversity, the Food Riots of 1998 (HRF, 1999) that was sparked by both economic adversity and increased food prices. It is not improbable that similar events could emerge in the near future, and the strong turnout for the MDC-T march in April 2016 suggests growing frustration and anger with people coalescing around the question of what happened to the diamond profits. There is also evidence of increasing protests over failure to provide public goods and services. The growing frustration with the poor quality of social services has been evident in all Afrobarometer surveys since 1999 (see Table 6 in Section 2.3.2). This single issue eclipses all other areas of potential civic concern and indeed may prove to be a trigger for future unrest.

It is universally agreed that commercial agriculture has collapsed since the land invasions of 2000. Most point to the on-going collapse of agriculture as rooted in the failure to develop an effective land policy and the distribution of multiple holdings to a small political elite, who for the most part have not used them productively. Many of these “*new farmers*” have allowed viable farms to become derelict, whilst more invasions still take place. Recently, in response to the complaints of the war veterans, the President threatened even to take over some 300 or some farms remaining in the hands of white Zimbabweans. Most recently, there is the threat to remove 18,000 families that illegally occupied former white commercial

¹³ *Gone without food* and *gone without cash income* – “*often*” & “*always*”; Pearson’s $r = 0.263$ ($p = 0.001$).

farms, and also the displacement of Matabeleland farmer, David Connolly.¹⁴ The confusions in land policy thus continue, which may not be encouraging for foreign investors.

Supporters of FTLRP point to a substantial body of successful new farmers who have been lifted out of poverty by the policies (Scoones et al. 2010), but this is disputed by other researchers (Zamchiya. 2014). It is certainly doubtful that these farmers will produce any food surplus during the worst drought in 35 years.

Overall, the tenure of those allocated land under FTLRP is highly insecure with even the elite losing farms once they fall out of political favour. There have been strong attempts to implement a lease arrangement for these beneficiaries, but efforts are tenuous as most banks remain unconvinced of the financial backing for such an arrangement and mistrustful given the continual re-allocations of properties. Land tenure is now a feature in the succession struggle, with suspended or expelled members of ZANU PF having their farms appropriated, and on-going invasions of commercial farms owned by white farmers.

3.3.7 Rule of law and investment

The disregard of the rule of law did not merely apply to the problems in dealing with opposition political parties, civil society and commercial farmers, but has become a major problem for the economy, beginning with the violations of property rights that began with the seizure of farms in 2000. However, the blunt disregard of property rights was merely the next step in a series of seemingly irrational economic decisions prior to 2000. Beginning in 1997 with the unbudgeted payments to the war veterans, and subsequent collapse of the Zimbabwe dollar, this was followed by the involvement of Zimbabwe in the DRC conflict, and these two decisions led to the suspension of Zimbabwe from bi-lateral support by the World Bank and the IMF.

The land invasions signalled contempt for the most fundamental basis for any investment, made even worse by the breaching of Bilateral Investment Promotion and Protection Agreements (BIPPAs).¹⁵ Added to these were the disregard of international treaties and agreements such as the Harare Declaration of the Commonwealth, the Cotonou Agreement, and the decisions of SADC Tribunal. If this was not bad enough for foreign investors, the government resorted to hyperinflationary printing of money, and finally the implementing of a discriminatory indigenisation policy.

This last has been the cause of complete confusion, mostly because of the conflicting policy statements emanating from the government. Much of the confusion arises from a (deliberate) misconstruing of the Indigenisation Act. As Matyszak has pointed out, in a number of detailed analyses of the legislation, it has been incorrectly interpreted, in most of the literature, media and public discourse, to mean that all non-indigenous companies (including those owned by white Zimbabweans together with the foreign companies) had to cede 51% of their shares to “indigenous” Zimbabweans (Matyszak, 2011(b)). The effect is that Foreign Direct Investment (FDI) in Zimbabwe, presently at much reduced levels and vital for

¹⁴ “18000 farmers face eviction” *The Herald*, 2nd May 2016.; “White farmer loses farm to Mugabe aide”. *DailyNews Live* . 29 April 2016.

¹⁵ These are inter-government agreements designed to protect the investments of foreign nationals in Zimbabwe. All were violated when the government took over the farming operations of foreign nationals. Some of these breaches were adjudicated upon in foreign tribunals, where the Zimbabwe government admitted the breach, but stated that it did not have the funds to pay agreed compensation, something which presumably ought to have been considered prior to the seizures.

Zimbabwe's economic recovery, will be withheld until Zimbabwe's indigenisation laws are clarified.

This may now have been resolved with the latest statement by the President, but this will need to stand the test of time, as the President has a well-documented habit of renegeing on his previous views.

Whilst adherence to the rule of law is crucial to creating business confidence, and is addressed in the Lima Agreement (GOZ, 2015), albeit in most terse terms, equally critical to business confidence and investors is coherent policy. However, it has been the case since at least 2014 that all experts are agreed that the Zimbabwe government needs to address at least five major policy issues before economic stability can be achieved and foreign direct investment will find an attractive home”:

- Policy consistency and an end to conflicting policy positions emerging from within the government. Here, for example, can be evidenced the conflicting statements from Patrick Chinamasa and Patrick Zhuwao (Matyszak, 2016(b));
- Clear commitment to the protection of property rights;
- Clarity on the indigenisation policy. This may now be clear, but time only well tell;
- A comprehensive land audit, leading to the development of an effective agricultural and land policy. This is seen as critical to future employment, with agriculture seen as one of the drivers in the economy;
- The rehabilitation of the parastatal sector. This sector contains a number of critical components for economic recovery. Here various parastatals, such as the National Railways of Zimbabwe, are critical to economic recovery, and most are in a parlous state, with both massive inefficiency and corruption identified. (SAPES & NED, 2014)

Whilst the Lima Agreement outlines ten areas for reform, and does mention both public enterprise reform and the rule of law, adherence to the rule of law is dealt with in seven short sentences and dealing with corruption, expressed as a reform area, is not discussed at all.

Incidentally, all of these recommendations find some echo in the views of ordinary citizens, and their concerns about the delivery of public goods and services (see section 2.3.5 above). These concerns of the citizens seem unlikely to receive much attention in the very short term, and it is more likely that increasing poverty and hardship will be their lot until the political crisis is resolved.

3.4 Causes of instability

3.4.1 The problems of succession

The imminent succession of Mugabe and the escalating faction fighting within ZANU PF, remain the two inter-related key conflict dynamics in today's Zimbabwe. It is speculated that these could trigger anything between increased political violence (best case scenario) to, at a worst case scenario, extensive civil conflict (Mandaza.2016). Whichever might be the likely

case in the future, it is evident to all that Zimbabwe is foundering, in a state of “stasis” (ICG, 2016).

The political terrain is volatile, changing almost weekly. As pointed out earlier, the succession struggle is escalating, leading some analysts to predict increasing political chaos, and even the possibility that elections might be impossible to hold in 2018. Whilst a return to high levels of politically-motivated violence is probable, it is difficult to predict its nature, especially since it is unknown about the loyalties of the security sector. One possible scenario does not receive the attention that it deserves, and this is the consequence of Robert Mugabe’s inevitable demise, probable incapacity or his unlikely resignation (Matyszak, 2015).

In all of these three events, the last-acting Vice President will assume office as Acting President for 90 days. According to the transitional arrangements in the new constitution, ZANU PF will then nominate a successor. On the face of it, this sounds unproblematic, but, with the vicious faction fighting taking place, it is by no means certain that a single candidate will emerge, and there may be multiple candidates, drawn from both within and without ZANU PF. Furthermore, the complexities of the ZANU PF constitution also mitigate against an easy process (Matyszak, 2015) Here it is unknown how many MPs or Senators support ZPF clandestinely; and the whole process for a successor becomes a stalemate, with consequent paralysis in government. The consequence may well result in the security sector acting as “kingmaker”, which would hardly presage a move towards deep democracy, but may equally lead to political violence or merely the beginnings of a fully failed state, and the collapse of state institutions.

Careful analysis of the causes of political instability clearly shows that “partial democracy” with “faction fighting” is the single largest cause of political instability, political violence and war (Goldstone et al, 2010). This seems particularly true of Africa, and exacerbated by challenges to the power of the “big man”. As these authors point out, and based on very careful empirical analysis, the above two factors – partial democracy and faction fighting – are more strongly related to instability when the “big man” has been in power for more than 13 years. Zimbabwe would seem to tick several boxes regarding the factors most associated with instability.

Whether “chaos” or “paralysis” emerges, these could be obviated by the emergence of a “broad front” opposition, capable of forcing discussions for a transitional political arrangement, as Mandaza and others have suggested.¹⁶ Current evidence does not give much cause for optimism for this to occur, and it is probable that such a political arrangement will only be possible if there is strong regional intervention, and by SADC as the main driver. For the time being, the politics of “big men” and “big women” bedevils all attempts at coalitions, and the very nasty personality conflicts suggest that little will be achieved without complex negotiations and neutral mediation.

¹⁶ Mandaza argues for the setting up of a National Transitional Authority (NTA), much in the vein of the arrangement created in South Africa following the CODESA processes. See Mandaza, I. (2016), *Introduction*. in I Mandaza, (2016) *The Political Economy of the State in Zimbabwe: The rise and fall of the Securocrat State* (in press). See also Reeler, A. P (2013), *Of Camels, Constitutions, and Elections*. February 2013. Harare: Research & Advocacy Unit;

3.4.2 Citizens: engaged or disengaged?

As pointed out earlier (Section 2.2.4), civil society has yet to develop any comprehensive strategy to deal with the markedly changed political environment, and thus its capacity to act as either peacemakers or mediators is restricted. It is also the case that civil society, with few exceptions, can be described as “*risk averse*” (Masunungure,2006), and other commentators point out the apparent passivity of Zimbabweans in challenging the state (Mills, 2014).

Much of the analysis of “*risk aversion*” centres on the fear generated by a highly coercive state. For example, Afrobarometer surveys from 1999 show a marked increase in the number of citizens who say that are careful about what they say in public, “*often*” or “*always*” – increasing from 59% in 1999 to 89% in 2014. This is further supported by a recent analysis of political risk in Africa, which included Zimbabwe (Bratton and Gyimah-Boadi, 2015). These authors argue, on the basis of the Afrobarometer data, that Zimbabweans have faith in the power of the government and the regime, and “*increasingly willing over time to obey the commands of the state*” through resignation in the face of dominance and control.

However, this may be changing, and the recent mass demonstration by the MDC-T in Harare may be an indicator that Zimbabweans are more willing to take risks. Here it is also important to note that this demonstration was also an indicator of the ways in which the new constitution, underpinned by the courts, may be creating new spaces for civic action. It is also probable that the deterioration in Zimbabweans livelihoods is adding to a new assertiveness, as was seen in the response of the vendors to attempts to displace them from the cities (RAU,2015). It is also evident that the state has given too little attention to the actual concerns of citizens. As a result, over the near term, poor services, rampant corruption and growing poverty will continue to fuel dissatisfaction with the status quo.

It does seem that too little attention has been given by civil society to the actual concerns of citizens in their interaction with the state and the government. Whilst elections, political violence, constitutions and the like are clearly important in the big scheme of things, citizens have more mundane concerns, as is so clearly evident from all the Afrobarometer surveys since 1999.

Table 6: Top Ten Concerns that the Government should address in rank order.

[Source: Afrobarometer, Rounds 1 to 6; 1999 to 2015]

	1999 to 2001	2002 to 2003	2005 to 2006	2008 to 2009	2011 to 2012	2014 to 2015
1	Economy (national)	Management of economy	Food shortage/famine	Management of economy	Unemployment	Unemployment
2	Job creation/unemployment	Unemployment	Management of economy	Unemployment	Management of economy	Management of economy
..3	Health	Food shortage/famine	Unemployment	Education	Food shortage/famine	Corruption
4	Food/famine	Poverty/ destitution	Transportation	Food shortage/famine	Wages, incomes and salaries	Farming/ agriculture
5	Crime and security	Health	Poverty/ destitution	Wages, incomes and salaries	Poverty/ destitution	Infrastructure / roads
6	Education	Wages, incomes and salaries	Wages, incomes and salaries	Health	Farming/ agriculture	Poverty/ destitution
7	Water	Education	Drought	Poverty/ destitution	Corruption	Wages, incomes and salaries
8	Traditional/moral values	Transportation	Democracy/ political rights	Farming/ agriculture	Water supply	Water supply
9	AIDS	Rates and Taxes	Farming/ agriculture	Water supply	Education	Education
10	Housing	Farming/agriculture	Health	Infrastructure/ roads	Electricity	Food shortage/famine

As can be seen from Table 6, there are virtually no explicit mention of political problems such as elections or politics *qua* politics while the concerns about public goods and services, increases from 2011 onwards. Furthermore, the types of concern become more focused on areas in which there have been increasing problems, such as water supply or electricity. It is also noteworthy that, in all six rounds, Zimbabwean citizens have never placed land as a priority for government action, and, whilst *food shortage and famine* and *farming and agriculture* are included as priorities, these latter seem more to do with access to lines of credit, access to inputs, and the like, rather than land *per se*.

The point here is that social services seem more likely to be the issues that might motivate citizens to become more active and employ their agency, and issues that civil society can address without evoking “risk aversion”. They are every bit as “political” as the issues that have been the major concern for so many NGOs and CSOs, and, most importantly, are issues that straddle party politics. These may well be the areas in which the polarised population can find common cause, and reduce conflict.

The locus of such action logically should be local government, for it is at the community and local government levels that citizens have the most possibility for exercising their agency. It is all evident that local government is seen as a central platform for ZANU PF’s control, and the vector that the MDC-T would have been wise to seek under its control during the Inclusive Government (Matyszak, 2010). There could be new impetus here with the specification of “*devolution*” in the 2013 Constitution.

3.4.3 What price constitutionalism?

The rule of law is a key area under the Cotonou Agreement,¹⁷ and there has been little evidence since the invoking of dispute proceedings by the EU of any credible attempt by the Zimbabwe government to adhere the rule of law (RAU, 2014). As with the government’s attitude towards constitutionalism, the rule *of* law is largely replaced with rule *by* law. The most recent example can be seen in the response of the Zimbabwe Republic Police (ZRP) to the April 2016 demonstration in Harare by the MDC-T, and the ban being overturned by the High Court as manifestly in defiance of the constitution. Additionally, the arrest of two journalists and an actor for staging a protest demonstration outside Parliament, and the disruption by ZANU PF supporters of hearings on the National Peace and Reconciliation Bill are further examples of the draconian attitude by the government to peaceful protest and assembly.

At the heart of the attitude to the rule of law is the immense personal power of the presidency, and the manner in which President Mugabe frequently acts outside the law and in defiance of the law. Mandaza and others argue that this exercise of personal power is a function of the inherited colonial state and the manner in which all state institutions have been “captured” by the government (Bratton & Musunungure, 2011). The conceptualisation of Zimbabwe as a predatory state implies the subordination of the rule of law to elite (even

¹⁷ The Cotonou Agreement replaced the previous Lome Agreement, and this new treaty set down the agreed conditions for EU support to the African, Caribbean and Pacific (ACP) countries. All the parties to the Cotonou Agreement accepted the inter-dependence of development, human rights, and good governance, and essentially pledged themselves to adhere to the standards specified in the Agreement. It thus included dispute mechanisms whereby a party to the Agreement might institute political discussions regarding the failure of a party to the Agreement to adhere to the commonly agreed standards, which were outlined in Article 9.

personal) power, and it is difficult to see how this will change so long as Robert Mugabe remains as head of state.

The ZANU PF government adopts several strategies in respect of the rule of law. Firstly, they use the law whenever it might suit their purpose, and then to use such examples as evidence of their compliance with the rule of law. This is the preferred option. Secondly, and when the law is an impediment to a purpose, then the government makes use of a compliant judiciary to obtain a judgement favourable to the purpose. This was the case in 2013 with the judgement that allowed President Mugabe to unconstitutionally use Presidential Powers (Temporary Measures) to validate the elections (Matyszak, 2013). Thirdly, the government uses various ploys to ensure that the law is not applied at all, as was the case with many of the clauses in the GPA during the life of the Inclusive Government.

A critical issue here for both political parties and civil society, but rarely acted upon, is the fact that the passing of the amended constitution into law in 2013 rendered all legislation inoperative and unenforceable that was at base *ultra vires* the constitution. However, the government and government agencies persist in implementing unconstitutional laws and regulations, apparently under illusion that these laws remain operative until new or amended legislation is put in place. The example above of the ZRP trying to ban demonstrations is one example, but there are others, such as the Minister of Local Government preventing the City of Harare from appointing a new Town Clerk, or Provincial Governors taking executive actions in their provinces, both manifestly unconstitutional under Chapter 14 (Section 264) of the Constitution.¹⁸ There is also the possibility that traditional leaders may seek to exercise more power under the new devolution dispensation, but, since their appointment remains at the discretion of the President, this may also discourage such assertion.

This disregard for the rule of law and constitutionalism is also evident in the attitude of the government to the Independent Commissions, and the manner in which it is attempting to claw back powers removed by the Constitution (RAU, 2016).

3.4.3 Faith in the courts?

Zimbabwe has an unenviable history for using formal impunity as a method to avoid the law and the courts. This began under the illegal regime under Ian Smith and the Rhodesian Front

¹⁸ This section deals with the devolution of local government powers. The constitution quite clearly envisages Provincial Councils, City Councils, local authorities and the like. As the Constitution expresses this:

264 Devolution of governmental powers and responsibilities

- (1) Whenever appropriate, governmental powers and responsibilities must be devolved to provincial and metropolitan councils and local authorities which are competent to carry out those responsibilities efficiently and effectively.
- (2) The objectives of the devolution of governmental powers and responsibilities to provincial and metropolitan councils and local authorities are—
 - (a) to give powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them;
 - (b) to promote democratic, effective, transparent, accountable and coherent government in Zimbabwe as a whole;
 - (c) to preserve and foster the peace, national unity and indivisibility of Zimbabwe;
 - (d) to recognise the right of communities to manage their own affairs and to further their development;
 - (e) to ensure the equitable sharing of local and national resources; and
 - (f) to transfer responsibilities and resources from the national government in order to establish a sound financial base for each provincial and metropolitan council and local authority.

government, and has been continued by the Mugabe government. As was pointed out above, the imposition of impunity is one of the strategies frequently used to create the veneer of legalism for executive actions, with frequent reference to the manner in which impunity was a feature of the “reconciliation” policy initiated in 1980 as a deflector for all criticisms of subsequent impunity.

However, after 2000, the notion that government was not above the law was dispelled with the farm invasions under the FTLRP. When the courts took a strong legal position on the illegality of these appropriations, the government sponsored attacks on the judiciary which resulted in the Chief Justice and other senior judges resigning. This has led to a highly compliant judiciary that very rarely reaches any decision that might conflict with the government’s political objective (Matyszak, 2006). The compromised nature of the Zimbabwean judiciary is noted by international observers (The Bar Council, 2010).

The effect has been highly detrimental to civic and political life. The election petitions on the 2000 and 2002 elections were stage-managed in such a fashion that none reached completion before the new elections in 2005, thus allowing all MPs that had been the subject of challenge to complete their term of office (Solidarity Peace Trust, 2005). Even when judges did make actionable decisions, such as issuing interdicts and injunctions, the response of the state was usually to ignore these. For example, 22% of farmers obtained court orders to stop the unlawful interference with their property rights, but, of this group, only 5% were able to get enforcement of the order by the ZRP (JAG/RAU, 2008). Even more marked has been the way that the law has been abused by the ZRP to prevent normal civic action (Solidarity Peace Trust, 2004), and the violations by the ZRP of the provisions of the Police Act (Matyszak, 2011). The complementary roles of the courts and the police are wholly detrimental to normal civic life.

3.4.4 Other judicial institutions

A similar role to the courts and the police has been provided by the state prosecutorial authority, although this may be changing as a consequence of the provision of the 2013 constitution. The previous Attorney-General made no secret of his politically-partisan views, and this office has been guilty of selective and malicious prosecutions, seriously undermining the rule of law.

The new constitution has altered the nature of the prosecutorial authority, creating now an office of the Prosecutor-General as well as the office of the Attorney-General in the National Prosecuting Authority. There are serious problems in the National Prosecuting Authority Act (2015), mostly to do with the person of the Prosecutor-General, Mr. Johannes Tomana. There were grounds for serious misgivings in his appointment:

[These] political parties have criticised him for a skewed and biased application of the law. They point to Mr. Tomana’s refusal to investigate and prosecute those responsible for over 200 murders during the June 2008 presidential poll, despite the being provided with dossiers containing witnesses statement in this regard, the persecution of MDC activists on spurious charges, the persecution of human rights defenders, and the abuse of bail processes to wrongfully detain those opposed to ZANU PF in custody.[Matyszak, 2016 (a)]

The appointment of Mr Tomana is yet another example of the way in which ZANU PF is attempting to circumvent the power of the constitution, but it does seem here that this appointment may yet not have the desired effect with Mr Tomana, another apparent victim of the succession struggle. He is currently fighting a prosecution himself for abuse of office. But the quote above does illustrate the dangers of a lack of independence in a state agency, and shows the complementarity between various arms of the justice machinery. Unless this collusion can be overcome, civil society is hamstrung in pursuing normal civic activities that can be deemed to be against the interests of a political party.

As for the Zimbabwe Republic Police (ZRP), there is endless evidence of the manner in which the ZRP acts in partisan fashion, completely in defiance of the constitution and the Police Act (Matyszak, 2011). Whilst it may be the case that the succession struggle within ZANU PF may have repercussions on the behaviour of the ZRP, and especially in coming to terms with Zimbabwe People First (ZPF), this does not seem to presage a return to “normal” policing without radical reform of the institution. For example, the attempt by the ZRP to ban the recent MDC-T demonstration in Harare was thwarted by the High Court on the grounds that this was unconstitutional, but, nonetheless, the attempt was made by the ZRP, continuing in the vein of previous years. Most recently, the ZCTU was barred from holding a May Day march in the Midlands, but the ZANU PF aligned ZFTU was allowed a march on the same day.¹⁹

3.4.5 Conclusions. Prognosis and Recommendations

As can be seen, the subordination of virtually all state institutions to the narrow aims of the regime is a problem of considerable magnitude, allowing the government to meet all political opposition to its policies with a sophisticated system of coercion and control. Furthermore, when very serious challenges to its hold on political power emerge, it is probable that violence will be the fall-back position, especially during elections. The consequence has been the creation of a “risk averse” citizenry, generally only comfortable to exercise its agency through voting.

For the period leading to the 2018 elections, it is evident that a new political terrain has developed with the faction fighting within ZANU PF, and the emergence of new political forces in ZPF. This does not augur well for minimising conflict, although it is not axiomatic that violence will be the only outcome. It is entirely probable, and there is evidence already, that intra-party violence will escalate, but it is not certain that elections can be manipulated in the same manner in the past: ZANU PF (or what remains by the time elections take place) has been able to use its capture of state institutions easily against an external opponent, but this will not be as simple when confronting an opposition intimately familiar with its strategies and tactics.

It may also be the case that civil society may find new spaces for engagement with the citizen base as a consequence of the splits and quarrels within and between ZANU PF, and particularly if careful attention is paid to the concerns of citizens, as was argued above. A shift from “big” to “small” politics may provide considerable traction in developing peace and reducing conflict, particularly because the issues in “small” politics rise above narrow political party matters. Civil society might do well to concentrate on a small number of key

¹⁹ “ZCTU march barred, ZFTU gets a yes”, *NewZimbabwe*. 30th April 2016.

and crucial issues: constitutionalism, reform of national institutions, reform of the electoral process, and pro-poor economic policies (Mandaza, 2016; Reeler, 2016).

A weak adherence to the rule of law and compromised judiciary has had an adverse effect on Zimbabwe's economy, resulting in socio-economic deprivation for the majority of Zimbabweans. The same factors prevent these Zimbabweans from democratically removing a government, continuously in power for 35 years, as electoral manipulation and malfeasance, including intimidation and violence, is unchecked by the judicial system.

The combination of effects of the breakdown of the rule of law makes for a restive and increasingly unsettled population. That there has been no significant or sustained civil unrest on this account is largely due to the presence of two safety valves: firstly, that of migration, largely illegally, to South Africa and elsewhere, where Zimbabwean economic refugees are not only able earn a living but to make remittances to family members within Zimbabwe who cannot, and secondly the informal sector, characterised by street vending and illegal mining, predominantly of gold. The value of remittances may be less useful with the decreasing value of the Rand, and the current cash crisis is already leading to smuggling of gold in order to get cash.²⁰

4. International interventions

Since the late 1990s, and accelerated after 2000, Zimbabwe has been the subject of international actions due to a variety of the issues outlined above. The beginning came with the suspension from bi-lateral assistance by the IMF and the World Bank. The problems in international relations increased with the land invasions and the disputed 2000 election, resulting in the Commonwealth issuing an adverse electoral report in respect of the latter, and beginning engagements pursuant to the Millbrook Commonwealth Action Programme. A Commonwealth initiative to defuse the situation resulted in the Abuja Agreement, an agreement that was honoured more in the breach than the observance by the Zimbabwe Government (HRF, 2007). The very violent elections in 2002 led to an escalation in international criticism, with the Commonwealth suspending Zimbabwe, the EU commencing dispute proceedings under Article 96 of the Cotonou Agreement, and the U.S. passing the Zimbabwe Democracy and Economic Recovery Act. The consequence of this international pressure was the withdrawal of Zimbabwe from the Commonwealth, the imposition of restrictions on various Zimbabwean leaders and companies by the EU, and sanctions on both leaders and companies by the U.S.

Zimbabwe remained obdurate through all this pressure, challenging “illegal sanctions”, and successfully using the pressure to argue that the Western nations were bent on “regime change”, a strategy that found considerable resonance in SADC and the AU (Phimister & Raftopoulos, 2004). The interweaving of *land*, *sovereignty*, and *sanctions* have proved highly effective in deflecting international pressure, and only the resort to extreme levels of violence, as in 2008, have been sufficient for disabling African support. Of the three litanies – land, sovereignty and sanctions – the last has proved the most enduring and useful. Conflating “restrictive conditions” by the EU and actual sanctions by the US has been so

²⁰ “Cash crisis fuels gold smuggling into Moz”. *The Zimbabwean*. 27th April 2016.

effective that even opposition parties and Western governments failed to maintain the nuanced distinction, and has resulted in the aftermath of the 2013 elections in moves towards re-engagement. In pursuit of this aim, the EU has lifted virtually all restrictive conditions on individuals and companies, even though it is extremely doubtful that the Zimbabwe government has made any progress at all to conform to the key principles of the *respect for human rights, democratic principles, the rule of law and good governance* (RAU, 2014; HRF, 2006). Thus, the “sticks-and-carrots” approach of applying targeted pressure and also enhanced humanitarian assistance has largely failed, and the new discourse behind most international engagement is now about “stability”.²¹

However, the “stability” argument cannot be easily dismissed when the possible, even probable, scenarios are considered. As pointed out earlier (Section 2.3.1), the current stasis might well disintegrate into paralysis and an absence of any active government, leading at least one commentator to argue for moves towards setting up a National Transitional Authority (Mandaza, 2016). International intervention will be crucial to success, and most critical will be those of regional governments. Since Mugabe and ZANU PF have successfully created a laager around Zimbabwe using SADC, with the tacit support of the AU, it will be necessary to prepare SADC for the paralysis eventuality. Here, it should be reiterated that such paralysis may not necessarily involve mass violence, although levels of violence should not be ruled out, but may merely mean the on-going struggle for the executive and an absence of any direction in governance. The internal calls for national stakeholder’s conferences are unlikely to bear fruit without external scaffolding, and here preparations need to begin with urgency, which may well have a preventive effect. Such was the case in South Africa with the CODESA processes, but, unlike Zimbabwe, South Africa was not suffering from great internal fractures, as is the case in Zimbabwe, and hence did not need international coercion to bring the conflicting parties to the table.

5. Concluding remarks

It seems evident from all the foregoing that the ship of state, and all who sail on her, (including the passengers in steerage), are heading into deeply troubled waters. In the context of deflation and drought, there seems to be no-one at the helm, and, rather, everyone is fighting to get their hands on the wheel.

As was pointed out, the succession struggle can lead not only to chaos, but even to complete paralysis in government, and the distinct possibility that Zimbabwe moves from predatory state to failed state. It is a very dangerous outcome when central government fails to govern, and the institutions of the state no longer have direction. This is not the case at present, and, as Bratton has pointed out, Zimbabwe is not a *failed* state: fragile it might be, but state employees continue to turn up for work despite the poor and erratic pay. But there is at least a paymaster at present.

The most disturbing problem at the moment is that a manifestly national crisis is not producing a national response. If ever there was a time, as was the case in South Africa in the

²¹ Here, the cynics might well quote the “Sarajevo joke”, attributed to Sir Geoffrey Robertson. “*When someone kills a man, he is put in prison. When someone kills twenty people, he is declared mentally insane. But when someone kills 200,000 people, he is invited to Geneva for peace negotiation*” (Sarajevo joke, circa 1994).

late 1980s, for all political forces to come together to work out a political settlement for the good of the nation, it is now. However, the party in government is splintering, opposition parties cannot agree on a common front, and it appears that all these parties now have their eyes on an election in 2018. Elections do not seem to be the solution to Zimbabwe's problems, at least not in the past, and it would seem more sensible for the political leadership to be thinking about a national consultation.

Perhaps the major problem lies in there being no effective *political settlement* in Zimbabwe (Reeler, 2016), and, in fact, there has never been such. Until Zimbabweans define in absolute clarity the rules of the political game, with rigid adherence to constitutionalism, reform of state institutions and an electoral process that losers will accept willingly, Zimbabwe's political will continue to handicap all attempts at economic reform and the growth of democracy. In the short term, it seems unrealistic to hope for a national consultation and a political settlement that would put Zimbabwe on the road to deep democracy, the political forces are too fractured and scattered for there to be any likelihood of them coming together to address a national crisis. Perhaps conflict and collapse might force this in the end, and those looking on could prepare for this.

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