Zimbabwe since the elections in July 2013: The View from 2015

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1. **Background**
This paper is a review of developments since the harmonised elections in 2013, and builds on a previous analysis issued at the end of 2013.  

The 2013 elections marked the end of the Global Political Agreement (GPA) and the Inclusive Government, and a period of moderate economic stability, and a decided lessening in political violence, but a near complete failure to put in place all the reforms agreed by the political parties under the GPA. Whilst in retrospect this was not unexpected, given that the GPA was more in the nature of a peace accord rather than a genuine transitional instrument, for some the outcome was not a surprise. However, whilst some commentators were inclined to take a benevolent view of the prospects under the GPA, others were more cynical in suggesting that reform was improbable, and that there was need for a strong concentration by civil society (and the opposition parties) for insisting on the reformation of state institutions ahead of what would be highly contested elections, and quite possibly violent elections.

In the end, a new constitution was produced, but only after a protracted and acrimonious process, and far too late for any significant harmonising of all the draconian legislation that remains in conflict with the constitution. Thus, Zimbabwe went into elections, actually went into them much earlier than was necessary, and without the much-needed reforms to the electoral machinery that should have been the consequence of having a new constitution. Subsequently, instead of ZANU PF taking heart at the complete annihilation of MDC-T and governing efficiently and effectively, and building on the economic gains of the GPA and the Inclusive Government, ZANU PF rather went into a vicious and destructive succession battle, a complete policy paralysis, and is inexorably driving a battered economy from intensive care into the morgue.

2. **Governance in Zimbabwe – a Brief Overview.**
Governance in Zimbabwe may be said to be characterised by two key features: firstly, an extremely powerful and hierarchical executive, controlled by Mugabe’s ZANU PF party and secondly a fairly sophisticated and extensive network of patronage/corruption.

Since independence in 1980, successive ZANU PF governments have ensured that all government institutions and ministries are staffed overwhelmingly by party loyalists at every level. Rural “subjects” (rather than citizens) are controlled though unelected traditional leaders and district administrators, both of whom are controlled by the Ministry of Local Government and the latter of whom are not appointed in terms of any statute. Permissions from these officials are required for the most trivial of activities, such as the convening of even small innocuous meetings, to the access to food aid and social support.

This and other aspects of governance has led many commentators to note what is referred as a conflation of the ruling Party and the State. However, it might be more accurate to describe the

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3 RAU (2010), *What are the options for Zimbabwe? Dealing with the obvious!* Report produced by the Governance Programme. 4 May 2010. HARARE: RESEARCH & ADVOCACY UNIT.
situation, rather than one of a conflation of interests and operations, as one where the State and its institutions are deployed on behalf of the party and to achieve party political objectives and not those of the State and statecraft. Thus a host of decisions by governmental officials and leaders, such as policies around land and resource nationalism, which appear wildly irrational when viewed against the well-being of the State, are perfectly rational when viewed against the needs of ZANU PF as a political party. The result has been the rapid deterioration of the State, but the retention of power by a party, which continues in power against all the canons of political theory.4

An adjunct to this modus operandi has been patronage and corruption. The control of state institutions and the use of such institutions on behalf of the party through “cadre deployment” is also a means of distributing patronage and facilitating corruption. This is perhaps most marked in parastatals where large boards are staffed by ex military staff whose corrupt activities are not only condoned, but carefully noted to ensure future faithfulness should any one become disaffected.

The power of the executive and senior party officials (who often determine candidacies) ensures that the legislature (where the ruling ZANU PF currently holds a more than two-thirds majority) presents little obstacle to executive excess. Similarly, a purge of the bench after 2000 and the appointment of partisan judges, further deeply compromised through land allocations and patronage, ensures that few, if any, cases of political importance have outcomes which are prejudicial to the interest of ZANU PF. This adulteration of the juridical system is exacerbated by a blatantly partisan police force, selective prosecution and non-prosecution, resultant impunity for perpetrators of even extreme violence, and the wrongful and extended incarceration (often pending trial) of political enemies.

Adverse comment on this state of affairs rarely reaches ZANU PF’s support base in the rural areas. While a reasonable diversity of voices is available in the printed media in opposition strongholds amongst middle class urban dwellers, the print media does not reach rural dwellers, who cannot not afford the newspapers even if it did. The result is that the majority of Zimbabweans are dependent on radio for news where the voice of ZANU PF is the only one heard. Zimbabwe has no independent/private TV station and no independent nationwide radio station. The recent grant of additional more localised broadcasting licences has been solely to people with ruling party connections. The result is that votes from the rural areas are often merely “an echo of structurally induced ignorance” or reflect a necessary means of survival. In this context what is remarkable is not the failure by the opposition to obtain sufficient votes to dislodge ZANU PF from power, but rather that any rural dweller at all has the courage to vote against ZANU PF.

It is clear that for any change to take in Zimbabwe there is need for institutional reforms and this opportunity was squandered by the opposition parties during the Inclusive Government. Based

on the failures of opposition political parties, the hope now is that this may be accomplished through citizens’ voices. Such a project is, however, extremely long term.

3. The aftermath of the elections

The 2013 harmonised elections, whilst purportedly giving ZANU PF a massive majority both for the National Assembly and the Presidency, raised more problems than they solved. The lead-up to the elections were marred by political, constitutional, and legal uncertainties and problems.

The political arena was marked by serious concerns about the playing field, so serious that even SADC raised concerns that Zimbabwe was not ready for elections. There were many suggestions that the defective electoral climate would result in the opposition political parties boycotting the elections, but, in the final analysis, the opposition parties, and especially the Movement for Democratic Change-Tsvangirai (MDC-T), seemed convinced that the elections could be won, and unwisely participated. However, there were many ominous signs: severe abnormalities in the voters’ roll, a dramatic increase in the number of Special Votes (up from 3,000 odd in 2008 to 64,000 in 2013), a largely unchanged and unresponsive Zimbabwe Electoral Commission (ZEC), and almost inevitable use of Presidential Powers (Temporary Measures) by Robert Mugabe to cure all defects and accelerate the process.

The elections themselves were not marred by violence, although there were credible allegations of widespread intimidation and threats, and the results had Robert Mugabe obtaining over 1 million more votes than in 2008. However, the process was flawed in many respects, and all the prima facie indications of massive rigging were noted by virtually all observer groups, both national and international, and even SADC and the AU were forced to make adverse comments on the state of the voters’ roll, the unavailability of the voters’ roll electronically, the huge numbers of assisted voters, the equally huge numbers of voters turned away, and the very large numbers of citizens voting using voting slips and not identified on the voters’ roll. Thus, the elections were deemed peaceful, credible, but no observer group was willing to call them fair.

Nonetheless, ZANU PF and Robert Mugabe were elected for a 5 year term in the absence of any credible evidence of rigging: the MDC-T mounted a number of electoral petitions challenging the results, but, these have been unable to provide the concrete evidence that was needed to reject the elections wholesale. However, it is evident from the single election petition; Mount Pleasant, that the claims about rigging and electoral mismanagement cannot be wished away.

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6 RAU (2013), Key statistics from the June 2013 Voters’ Roll. Governance Unit, Research & Advocacy Unit. 5th July 2013. HARARE: RESEARCH & ADVOCACY UNIT.


Firstly, analysis of the 2013 Voter’s Roll for Mount Pleasant showed an impossible 112.6% registration rate, which empirically reflected the findings from the analysis of the June 2013 Voter’s Roll, where it was shown that 63 constituencies had more voters than was possible according to the 2012 Census. Secondly, the presence of 8,595 security sector voters, apparently living in the police camp within the constituency (and not present on the 2008 Voter’s Roll), were approximately the margin of victory for the ZANU PF candidate in a previously safe MDC-T seat. Thirdly, on the count, there were 9,682 missing votes for the two local council posts, a fact which seemed to hardly bother the court, despite the legal requirement for voters to cast votes in all three polls – Presidential, House of Assembly and local council – and to be SEEN to be casting votes for all three elections\(^\text{10}\). However, since most petitions were either rejected on minor procedural grounds or withdrawn, and there was no will in either the AU or SADC for a comprehensive audit of the elections, this single petition provides small evidence of the “smoking gun”.

However, the MDC-T had suffered a serious loss, allowing ZANU PF to gain a two-thirds majority in the National Assembly, and thus restoring their ability to amend the Constitution at will, something that it has rarely been reluctant to do when needed, and to pass legislation that helps ZANU PF to entrench its power. There have already been suggestions that the government is willing to make amendments to the constitution, if only the suggestion is to reduce the number of independent commissions and pleading poverty as the grounds for so doing. The overwhelming ZANU PF majority in parliament has hardly been helped by the inexplicable decision by the MDC-T to cause the expulsion of the MPs supporting splinter party, MDC Renewal, and then taking a decision that it would not contest the by elections.

The result prompted a number of commentators to produce rather jaundiced analyses about the outcome. Respected political scientist, Stephen Chan, opined that the result was expected due to the increase in ZANU PF’s popularity and the waning support for the MDC-T\(^\text{11}\), whilst others drew upon the findings of the 2012 Freedom House opinion survey which suggested just this: greatly reduced support for Mugabe and a serious decline in support for Morgan Tsvangirai. Few drew upon the methodologically more sound analysis by Bratton and Masunungure\(^\text{12}\): based on the 4th Round of the Afrobarometer, these analysts concluded that there was little to choose between the two. They interpreted the large number of respondents unwilling to state a preference due to fear, and suggested that the 2013 elections would be a close race.

More careful analysis of the elections supports the conclusions of Bratton and Masunungure, and indicates plausible evidence for massive rigging, but also concludes that any one of the obvious sources of irregularity – i.e. assisted voters, turnaways, and the use of voting slips – would on their own have been sufficient to produce a clear majority for Robert Mugabe in a close race, let


alone all these irregularities in combination\textsuperscript{13}. As for the huge majority obtained by Mugabe (1.03 million votes), that this seemed to violate both common sense, and established political science theory, was lost in the aftermath of the confusion, but it was hardly unpredictable that few would be focused on anything more than the scale of the victory, no matter how achieved\textsuperscript{14}.

The controversy of the elections has abated, but the serious questions remain. A more comprehensive analysis of the elections indicated that a considerable proportion of the votes cast could not be explained in any satisfactory fashion\textsuperscript{15}. As the analysis pointed out:

\begin{quote}
The conclusion reached is that the additional 1.03 million gained by Mugabe votes cannot be explained by:

\begin{enumerate}
\item a large increase in registered voters;
\item a large swing in allegiance toward Mugabe and away from Morgan Tsvangirai – the former’s main opponent in the presidential race; or
\item both of the above.
\end{enumerate}
\end{quote}

\begin{quote}
The report demonstrates that the Zimbabwe Electoral Commission was not fully in control of the electoral process, as it ought to have been, opening the door to manipulation, particularly in regard to voter registration. However, even if every one of the 7792 279 newly registered voters were Mugabe supporters and voted for him in 2013, roughly 200 000 votes (about 6% of the poll) remain unexplained.
\end{quote}

These findings are not refuted by the dissimulating report on the elections issued by the Zimbabwe Electoral Commission, over six months later than its constitutional responsibility, and still not debated by Parliament\textsuperscript{16}. Additionally, the continued failure of ZEC to provide an electronic copy of the final 2013 Voter’s Roll, aided by the mendacious behaviour of the Zimbabwe courts in accepting without demur the argument by the Registrar-General that his computers are broken, has prevented any further audit of the election results.

Thus, whilst there is no argument that ZANU PF now governs \textit{de facto}, it’s \textit{de jure} status remains in question, if only on the grounds of the implausibility of the scale of the victory.

\section*{4. The international response}

The election produced a very confused response from the international community. It is clear that there are a wide variety of positions, but mostly based on an acceptance of the ZANU PF

\textsuperscript{13} RAU (2014), \textit{A Select Audit of Zimbabwe’s 2013 Poll – Preliminary Observations}. RESEARCH & ADVOCACY UNIT (forthcoming).

\textsuperscript{14} See, for example, RAU (2012), \textit{Bucking the Trend: Africa, Zimbabwe, Demand for Democracy, and Elections}. May 2012. HARARE: RESEARCH & ADVOCACY UNIT


government as \textit{de facto} as opposed to \textit{de jure}. Since neither Southern African Development Community (SADC) nor the African Union (AU) could give unequivocal decisions on the outcome, and the EU had decided that they would be guided by Africa’s position on the elections, it is hardly surprising that a stalemate of a serious nature has emerged.

Only the US has been totally clear: it has rejected the outcome and its policies remain unchanged, and this has important consequences, particularly in relation to Zimbabwe’s economic future and its relationship with the international finance institutions. For the US, Zimbabwe represents neither a “democracy problem” since it poses no terrorist threat, nor a “resource problem”, and additionally Zimbabwe is of trivial importance to the US in terms of its economy and trade. This may be changing in the light of a visit by senior State Department officials, but it is more probable that this is more in the vein of “fact-finding”, and it is doubtful that the visit will demonstrate to the US Government that the ZANU PF government shows any change that led to the imposition of ZIDERA in the first place.

SADC and the AU argued (weakly, given their election observations) for the removal of “sanctions”, and the re-engagement of the West, and more strongly for the restitution of bi-lateral assistance. This last assertion was undoubtedly in the light of the probable melt-down of the Zimbabwean economy and the regional consequences, and now a highly visible decline in the economy. There are signs that SADC is at last becoming concerned about the Zimbabwe government’s own inability to address the crisis, and reports from the last SADC Summit suggest growing and public impatience with Zimbabwe, at least from South Africa and Botswana.

Thus, Zimbabwe continues to provide exactly the same problem for SADC (and the AU) as it did before the elections: stranded between a disapproving West (but less so today) and an uncomfortable Africa, and a problem from which South Africa sought very strongly to extricate itself. For South Africa, Zimbabwe poses exactly the difficulty that a denying hegemonic power would wish to disappear\textsuperscript{17}. Furthermore, it is clear that Zimbabwe has contributed to a regional problem in SADC, and has significantly affected the possible brighter future for SADC as a whole\textsuperscript{18}.

For the European Union, the elections resulted in a major crisis, and attenuated the division within the EU on how to respond to the Zimbabwe crisis\textsuperscript{19}. There are two significant developments here, revolving around the Cotonou Agreement\textsuperscript{20}. The first is related to Zimbabwe

\textsuperscript{17} For an analysis of the problems of a “denying” hegemonic power, which is a fair characterisation of South Africa in SADC, see Habib, A (2013), \textit{South Africa’s Suspended Revolution: Hopes and Prospects}. Johannesburg: Wits University Press.

\textsuperscript{18} For a prospective analysis of how SADC might have developed without Zimbabwe’s actual trajectory, see SAIIA (2003) \textit{SADC 2005 to 2015: Renassiance, Status Quo, Decay and Decline}. JOHANNESBURG: SOUTH AFRICA INSTITUTE OF INTERNATIONAL AFFAIRS. Certainly this scenario analysis did not anticipate the overall consequences of Zimbabwe remaining on its 2003 path, and there do not seem to be detailed analyses yet of the overall effects of the Zimbabwe crisis on SADC as a whole. However, it seems fair to conclude that Zimbabwe has been a significant contributor to the “decay and decline” scenario posited by the SAIIA.


\textsuperscript{20} In 2000, Zimbabwe and a whole range of other countries from Africa, the Caribbean, and Pacific (the ACP Countries), signed an agreement, \textit{The Partnership Agreement between the Members of the African, Caribbean and

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itself, and the decision, or the no decision, in February 2014, to suspend Article 96 of the Cotonou Agreement until November 2014, albeit keeping minor aspects of previous decisions in place: maintaining the sanctions on Robert Mugabe, his family and the Zimbabwe Defense Institute.

As RAU has argued, the second development speaks to the heart of the Cotonou Agreement itself, and the setting of new precedent in disputes between ACP countries and the EU. Since it seems evident that all past actions by the EU under Article 96\(^{21}\) have resulted in very serious attempts by both parties to these actions to restore adherence to Article 9, Zimbabwe has been the one exception: Zimbabwe has merely faced down the EU, avoided serious discussion, breached continuously all benchmarks (whether these were formally stated or not), and, in the end, forced the EU to find a new route to resolving the dispute. All of this in spite of the objective evidence that the EU, and many member countries, have dealt with Zimbabwe in a considerably more lenient fashion than in most of the previous Article 96 disputes\(^{22}\). Once again Zimbabwe has shown the capacity to override international obligation, and force crisis on international bodies: this was the case for the Commonwealth, and the Harare Declaration, as well as for SADC, and the SADC Tribunal.

The decision to re-engage is made even more perplexing with the decision by the General Court of the EU to dismiss the application for removal of sanctions by the Attorney-General of Zimbabwe, Johannes Tomana, and 109 others\(^{23}\). There were many purely legal aspects to the judgement, mostly around whether the EU had acted legally in the imposition of restrictive conditions. The major substance of the argument, that members of the government, the security forces and ZANU PF party members were not implicated in human rights violations, violations of the rule of law and bad governance, was unsurprisingly rejected, and should have been given the massive documentation by Zimbabwean civil society organisations of their involvement in such behaviour. This decision should support the maintenance, not suspension, of Article 96.

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\(^{21}\) Article 9 of the Cotonou Agreement specifies the agreed conditions under which countries should operate, and it is essentially a statement of the mutually agreed conditions for democratic governance. Article 9 is a very comprehensive set of obligations that all parties to the Agreement signed up to voluntarily. Zimbabwe included. A country that was seen as being in breach of Article 9 (including an EU country) would be subject to a political process, and eventually to dispute proceedings under Article 96, and this was the case with Zimbabwe. This can result in a range of actions being taken against the offending country, usually suspension of economic support, but sometimes additional actions such as sanctions, and, in Zimbabwe’s case, these were targeted restrictions on identified individuals and a ban on military aid.


\(^{23}\) JUDGMENT OF THE GENERAL COURT (Eighth Chamber), 22 April 2015 (http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d2dc30ddca9bd37961dc48f8a131ec3944824f...e34KaxiLe3yMbh040Rch0SaxuPchf0?text=...docid=163863&pageIndex=0&doclang=EN&mode=req&dir=&occ =first&part=1&cid=288596)
However, it seems evident that the main result of the 2013 elections has been to attenuate the paralysis of the international community in respect of Zimbabwe, and the stalemate outside Zimbabwe is replicated within Zimbabwe.

5. The state of the political parties

Internally, there are a series of stalemates, leading to almost paralysis in the governance of the country as the intra-party conflicts take precedence over all else.

Behind all political problems besetting Zimbabwe always lies the “succession problem”, and the question about who will succeed Robert Mugabe and when will this happen given the advanced age of the President. It is a seemingly intractable problem, and bedevils the whole political economy process. Whilst this has always been a problem fought largely behind closed doors, in 2014 this has spilled in the open, with every possibility of a major split within ZANU PF turning into a fracture and a new political party. This process has had a number of facets.

Firstly, there has been the lead up to the ZANU PF Congress and the emergence of the President’s wife, Grace Mugabe, as a point person in the attacks on the Mujuru faction, and, alongside this, the summary dismissal of virtually every Provincial ZANU PF Chairperson in the lead up to the Congress. The constitutionality of these dismissals, firing of the Vice-President, Joice Mujuru, and the Secretary for Administration, Didymus Mutasa, and then the subsequent constitutional amendments and elections at the Congress are all doubtfully constitutional under the ZANU PF constitution\textsuperscript{24}. The Congress, although obviously aimed at ending the succession problem, has solved very little, and there is now an acrimonious and increasingly violent contest between the two factions, which does not bode well for the 2018 elections.

None of this is helped by the continuous speculation about the health of the President, and, now even speculation about the health of Grace Mugabe, who has become considerably less evident publicly since the Congress and the annual Christmas vacation of the Mugabe family. It is here that the unconstitutionality of the ZANU PF Congress may come back to bedevil Zimbabwe. As RAU has pointed out, unconstitutionality of appointments within ZANU PF can have serious consequences under the national constitution should Robert Mugabe die in office\textsuperscript{25}. There seems little public awareness about this potentially disruptive event, and, notwithstanding the Constitutional Court decision dismissing Mutasa’s application for a ruling on the unconstitutionality of the ZANU PF Congress, the handing over of power to the Vice President (presumably) Emmerson Mnangagwa may well lead to a constitutional crisis\textsuperscript{26}.


\textsuperscript{25} Matyszak, D. A (2015), ibid

\textsuperscript{26} The point at issue here, more fully covered by Matyszak, is that contesting the constitutionality of the ZANU PF Congress is not merely a matter about the internal politics within ZANU PF, but, because ZANU PF is now the government, it is a matter of national concern. Thus, the constitutionality of the Congress could be challenged by any Zimbabwean citizen, and, on RAU’s analysis, might by rather more difficult for the Constitutional Court to brush aside. Space here does not permit more detail on the problem, but the interested reader is referred to Derek Matyszak’s paper.
This is all very surprising, as pointed out earlier. Given its *de facto* nature, it would seem that the most profitable course of action for ZANU PF would have been to internally reach an accommodation within the party on succession, and then take strong steps to govern effectively, taking advantage of the international confusion, and probably chart a course to win the elections in 2018 at a canter.

There are signs that this is the course of action advocated by a caucus within ZANU PF, shown especially in the assertiveness within the National Assembly for Ministerial accountability and demands to deal with corruption. However, there is no sign that the inertia in the government as a whole can be overcome, and the struggle over succession seems to dominate everything.

For the opposition political parties, it is not merely a matter of stalemate, and waiting (as in the past) for ZANU PF to reveal its hand: it has rapidly become a problem of survival, and a survival dominated by extremely serious internal conflicts. The MDC-T has been beset by a vicious and public succession struggle, posing populist support for Morgan Tsvangirai against the need for reform, argued by an increasingly large section of the senior members of the party. Instead of a controlled process for succession within the party, the MDC-T has allowed an acrimonious public squabble, and further undermined the confidence of the citizenry and the international community. We pointed out in 2013 that it was probable that MDC-T will split again, and so it has.

This has had catastrophic consequences, with the MDC-T engineering the expulsion of all the MPs supporting MDC Renewal, and thereby most likely increasing the size of ZANU PF’s majorities in the House of Assembly and Senate. The rationale behind this decision is opaque to say the least, and, according to MDC Renewal, may well rest on very shaky legal grounds. As the Renewal group have argued, the issue of which faction is legally the MDC has yet to be tested, and their argument is that the first National Executive Council meeting, held post the 2013 elections, legally changed the composition of the party. Subsequent (MDC-T) meeting of the National Executive Council over-ruled this decision, and, notwithstanding the subsequent MDC-T Congress, there remains the contested point about who the MDC-T really is. This clearly requires legal action to resolve the issue, but this has yet to take place.

For the rest, the other opposition political parties have become largely insignificant, probably marginalised beyond redemption by the 2013 elections. However, there is a growing attempt to forge an alliance between opposition political parties, mostly driven by Simba Makoni, and this seems to be gathering some traction, and also energised by the probable split within ZANU PF. Building this alliance will be no easy task, but it does offer a small possibility that the ZANU PF faction within the government may face a serious challenge in 2018.

But, ZANU PF, in spite of the problems of the election and its internal difficulties, seems to have an untrammeled hold on power, and possibly beyond the next elections in 2018.

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6. The failure of governance

As we pointed out in 2013, notwithstanding the disputes over the legitimacy of the 2013 elections and all the subsequent problems, ZANU PF has to govern, and it is of major concern that there is still little evidence of any coherent governance. The internal conflicts within both political parties seemed to have produced a situation where there is little concern for the rapidly developing socio-economic crisis.

A major concern lies in the endlessly conflicting statements emerging from the government. For example, and in respect of indigenisation, investors can still scarcely know what the policy is, for on successive days there can be statements insisting that all business will have to cede 51% (and very shortly) as well as statements that the process will operate over several years, and might not even adhere rigidly to the 51% rule. There are also contradictory statements in virtually every area concerned with governance, and increasingly a trend where the contradictory statements are linked into the faction fighting. As another example, and regarding land and property rights, the Vice President can suggest that white farmers may keep their farms, only to be contradicted by the President who states that no white farmer will be allowed to keep land.

A further growing concern has been the exposure of rampant corruption in many parastatal organisations, which probably was little that the citizenry did not understand. The most recent Afrobarometer survey, carried out in November 2014, indicated that 68% of citizens believed that corruption had increased in the past year, but there have been very weak attempts by government to deal with most of the cases reported in the media. However, as we pointed out in 2013, there were some encouraging signs of assertiveness in Parliament which may have indicated a willingness by new Parliamentarians to use the oversight powers of Parliament. This was clearly a premature celebration, and RAU’s monitoring of the first session of the 8th Parliament suggests not quite so rosy a picture.

Whilst there was an evident improvement in the attendance rates of the members of the House of Assembly, up from 65% in the last session of the 7th (GPA) Parliament to 72% in the first session of the 8th, the productivity of the House was markedly lower. In the 7th Parliament, 13 Bills were passed in 48 sittings, but the House managed to pass only 11 Bills in 90 sittings in the 8th Parliament. Whilst this may seem trivial, it must be remembered that one major task for the current Parliament is to harmonise the laws with the new Constitution, a considerable task and one for which the current Parliament, and, more importantly the government, shows little enthusiasm. One cynical interpretation of the increased attendance is that MPs are keen to sit in the House in order to earn a sitting allowance and thereby bolster their admittedly meagre salaries, which, for many MPs, is probably important in the current economic climate.

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28 “Indigenisation” refers to the Indigenisation and Economic Empowerment Act [Chapter 14:33] The Bill was first gazetted in 2007, and passed shortly before ZANU PF lost its majority in the 2008 elections. In short, the proclaimed intention of the Regulations is that all foreign-owned businesses and all businesses owned by white Zimbabweans or permanent residents, valued at a prescribed amount, cede a controlling 51% share to black Zimbabweans.
7. The state of the economy

ZANU PF, in its campaign for the 2013 elections, produced an economic recovery plan, called Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimAsset), a plan that most commentators felt was unrealistic, and, since Zimbabwe’s policies were largely incoherent, and unlikely to attract Foreign Direct Investment (FDI), would inevitably have to be financed by borrowing.

By the end of 2014, it was evident that the Zimbabwe economy was in deep trouble, but with little sign that the government would address the problems. The solution was evident to virtually all except ZANU PF. From the time of the SAPES Conference in May 2014\(^\text{29}\), the call has been for five policy interventions:

- Develop clear policy consistency, and reflect this is all the public statements of the government. This means an end to all the contradictory statements endlessly emerging from the President and the ministers in his government, which would a first step to creating confidence;
- Make a clear commitment to defend property rights. It is not just a problem for land, but for any investor in Zimbabwe that there seems no interest in protecting legally acquired property rights;
- Develop a coherent policy on “indigenisation”, and one that is consonant with balancing the rights of the country to derive benefit from its resources with incentives to invest and recoup fairly on that investment;
- Undertake a land audit in order to develop a coherent agricultural policy. It is evident to all that, with the collapse of the manufacturing sector, agriculture will have to be a major driver in the economy, and this requires a comprehensive understanding of the state of the land and its occupancy in order to develop a coherent policy on agriculture;
- Fix the parastatals with urgency. A number of these are critical to the efficient running of the country, and are also critically inter-dependent. ZESA, Hwange, Kariba, the National Railways and Sable Chemicals are all locked into each other, and are fundamental to agriculture, commerce and, in fact the whole economy.

There is no sign that the government takes any notice of the recipe, and the economy is unlikely reversed at an alarming speed. The country is in the midst of an increasing liquidity crisis, with virtually all revenue being gobbled up in paying government’s wage bill, which is worsening as the revenue base shrinks with the daily closing of companies. The Minister of Finance, Patrick Chinamasa, repeatedly makes statements that should be encouraging – cutting the wage bill, downsizing the government workforce, etc. – but these appear to be purely rhetorical in the face of the conflicting statements by the President.

Much more could be said about the state of the economy, but, since the major problem is not economic in origin but purely political, and, as Michael Bratton has pointed out, Zimbabwe is a predatory state, and all economic decisions will play second fiddle to power politics\textsuperscript{30}.

Most serious of all for the ordinary citizen is the near collapse in the delivery of public goods and services. Most local authorities have faced a serious decline in revenues, partially because the government forced debt forgiveness for water and electricity, but also because of the economic downturn. Health services are in a parlous state, with many hospitals short of staff, drugs, and equipment, and adversely affected by power and water cuts. Education, having made modest improvement under the Inclusive Government, is once again facing serious problems.

As we pointed out in 2013, Zimbabwe was in serious decline economically, and, unless the government took strong steps to restoring confidence, and positively addresses the fundamental problems, this decline is likely to worsen considerably. Little has changed for this conclusion to be altered.

8. The state of organised civil society

During the life of the Inclusive Government there was a great opportunity for civil society to move away from a preoccupation with political transition to its more conventional role of reflecting citizen voice and pushing for reform\textsuperscript{31}. Zimbabwe has been a very polarized country over the last decade and party politics governed supreme. This has been a weakness not only at the national level, but markedly in local government, and it has affected civil society as well. A culture of political intolerance and fear has reigned and this needs to change.

In a recent analysis of the state of the Zimbabwean polity, RAU examined empirically the data from the Afrobarometer survey in 2012. Whilst there was little that emerged that was understood anecdotally, one of the findings was of interest in describing the balance of forces at play amongst Zimbabwean citizens\textsuperscript{32}. Examining active citizenship, social capital, and political efficacy, the analysis indicated four distinct citizen groupings. The first were those admitting to support for ZANU PF, identified by their satisfaction with the results of elections, trust in state institutions, and belief that they were able to exercise their basic freedoms. The second were MDC-T supporters, characterised by the wholly opposite views, seemingly if ZANU PF says “white”, MDC-T will say “black”.

The third group can be described as active citizens, not admitting to support for either party, but active in elections, belonging to community groups and participating in community activities, and are active in contacting local government officials and MPs. The fourth group, that were facetiously termed “disconnected democrats”, seemed to have neither political affiliation nor


community connectedness, and were characterised by being urban, educated and employed. It would not seem, in Zimbabwe at least, the middle class is the defender of democracy.

Civil society has been slow in recognising that this third group must be the primary target for its activities, but this is now more evident. There have been a number of civil society initiatives aimed at formulating a new direction for civil society, but no clear strategy seems to be emerging. There is the promising initiative under Bishop Bakare to develop a “National Convergence”, with an even more encouraging aspect in the decision to actively involve Zimbabweans in the diaspora.

What is less evident is civil society showing signs of changing not only the targets, but their methods. The collapse of the opposition and the disarray in ZANU PF allows civil society organisations to occupy space around new areas, and particularly issues around the failure of the state to deliver public goods and services. Central to changing their modus vivendi, must be a realisation by civil society that civil society is not merely non-governmental organisations. As Habib pointed out recently, excluding labour, civil society is composed of at least three distinct groupings: NGOs that are largely elite and technical bodies, but with membership generally; mass movements, like the NCA formerly, that have large membership and are generally focused upon an issue or a number of related issues; and, most numerous, “survivalist groups”, which can be seen as the myriad of very small groups and organisations, mostly dealing with local problems around a charitable goal – taking care of the elderly, or orphans, for example.

This conceptualisation is important because it allows a strategy to emerge that links the NGOs to the roots where “survivalist groups” exist, and begins to outline the kinds of mass movements that need to be developed in order to provide sustained pressure of the state for improved goods and services, as well for the kinds of reforms necessary to produce these improvement. Here, an excellent example comes from South Africa where the Treatment Action Campaign provided all these linkages and was able to make a significant difference to the care of HIV/AIDS sufferers. There is little evidence that Zimbabwean civil society understands this more nuanced notion about its role, and even less evidence that there are any appreciable moves by NGO’s to seek a stronger community base.

9. Overview and Conclusions

The current situation continues to offer civil society both opportunities and challenges for engagement. The most important opportunity that this new government presents is that it is made up of one political party with one ideology and following one policy decision, without a fractious coalition agreement. Yet a major challenge is the lack of political will to adhere to principles of good governance and democracy, and recent months are not encouraging with the abduction and disappearance of Itai Dzamara, and the increasing violence and lawlessness, both in respect of the by-elections and farm takeovers.

The new Constitution offers a potential area of engagement, informing and raising awareness to citizens about their rights; what they are and how to claim them is important in this new dispensation. However, as pointed out above, there seems little political will on the part of the government to begin the extensive reforms in legislation due to the new constitution, and hence it
may be unwise to oversell the extent to which parliament and civil society need to engage each other. Perhaps an aggressive campaign, “lawfare”, should complement any strategy based around parliamentary engagement. Simply put, since the promulgation of the new constitution, all existing laws that are unconstitutional can be amended by parliament, but equally can be challenged in the courts, and civil society organisations can take the lead here in identifying the most obnoxious laws and challenging these is the courts.

Civil society could also potentially play a stronger role in nurturing change agents in society and supporting active citizenship, if framed in a way that is not unduly confrontational or perceived by ZANU PF as part of a ‘regime change’ agenda. The citizens must decide for themselves what is in their best interest in a particular geographic community, but there is a need to reconnect citizens with politics and enable citizens to define and shape a democratic political culture, and the political institutions and legal frameworks. In order to do so one first needs to understand what are current citizen perceptions of practices in Zimbabwean’s political system. This includes an understanding of how citizens engage in politics and governance outside national elections; in local community life, and, as our recent analysis of the Afrobarometer data shows (see Section 8 above), there are certainly a substantial number of “active citizens” to whom more attention should be given.

There is also a great opportunity for organised civil society to connect with community-based organisations including churches and other faith-based organisations as they have good access to the people. Here the National Convention initiative and the more critical positions of the Zimbabwe Catholic Bishop’s Conference (ZCBC) offer new avenues for civil society to move out of its pre-occupation with elections and regime change.

Whilst was, and still is, a problem for virtually all civil society organisations, this is mostly a problem for the NGO sector, and it seems that the “survivalist groups” draw on the resources of the churches and the informal sector (including remittances from the diaspora). Here it is critical that funding follows strategy, and not vice versa, and this is where the ball is firmly in civil society’s court, and the NGOs need to demonstrate very clearly how they can engage the base of society in the communities, how this will have impact, and what the long-term benefits will be for the nation.

For the donors, there is the need to think longer term, and be less preoccupied by the electoral cycle and the constitution. This is not to say that neither of this is unimportant, but, without the building of a strong active citizenry, and solid social capital within communities, it is doubtful that there be appreciable progress towards democracy.