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ZIMBABWE - PERMANENT CRISIS?

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1 Introduction

There are broadly two interpretations of the current crisis in Zimbabwe. The first, the Zimbabwe government's, is that the underlying cause is post-colonial unfinished business. The failure of the United Kingdom to provide resources for the government to effect land reform has led to an inevitable upsurge of popular anger, which has resulted in ordinary Zimbabweans seizing the land which is their birthright.¹

The alternative explanation, which is that of the Zimbabwean opposition party, the Movement for Democratic Change (MDC), and much of Zimbabwean civil society, is that the land issue has essentially nothing to do with the present crisis.² Farm occupations and the accompanying violence were orchestrated by government and the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF), as a means to win elections. Tactics include attracting a section of the rural vote through populist policies, intimidating others, and disenfranchising many rural voters by driving them from their homes. This second camp contains some who were, no doubt, never very enthusiastic about land reform. This would include the bulk of Zimbabwe's small remaining white community and a dwindling international diaspora of Rhodesia-loyalists. But this camp also contains many who favour land reform and are critical of the Zimbabwe Government's failure to move more rapidly on this issue in the first 20 years after independence.

This paper is an update of an earlier one written at the time of June 2000 parliamentary election.³ The analysis advanced there clearly corresponded to the second explanation of the current crisis. The reason for this is that any analysis that sees land as the key to the crisis has completely failed to account for a number of crucial aspects of the developing situation. These include the following:

- only nine per cent of Zimbabweans see land as a priority political issue;⁴
- the principal victims of political violence have not been white farmers, but black Zimbabweans, mostly in rural areas;
- much violence has taken place away from the occupied farms, in urban townships, factories and government offices;
- a substantial part of the violence has been aimed at disrupting the functioning of aspects of the state.⁵

The evolution of the present crisis is most clearly explained by looking back at the rising level of popular opposition to President Robert Mugabe's government through the 1990s. The

¹ See *The Herald* [Harare], any edition, or Shire, G, *The Struggle for Our Land*, *The Guardian* [London], 24 January 2002

² See for example, Centre on Housing Rights and Evictions, *Land, Housing and Property Rights in Zimbabwe*, Geneva, September 2001, summarized on the website of Zimbabwe Information Centre, <http://www.zic.com.au/25October2001.htm> [accessed 20 February 2002]

³ Carver, R., *Zimbabwe: A Strategy of Tension*, Writenet Paper 4/2000, UNHCR/CDR, July 2000

⁴ *The Herald* [Harare], President Still ahead of Tsvangirai - Survey: But Large Percentage feel It Is Time for a Change, 11 March 2000

⁵ Amani Trust, *Monthly Reports*, Bulawayo, July 2000-September 2001; Zimbabwe Human Rights NGO Forum, *Political Violence Report [September 2001-January 2002]*, Harare, September 2001 - January 2002.

reasons for this opposition were twofold. First, the introduction of an Economic Structural Adjustment Programme in 1990 led to increased unemployment and higher consumer prices, resulting in greater popular suffering, especially among the urban poor. Secondly, the system of government had become increasingly presidential and centralized. Although the worst human rights abuses occurred in the 1980s, when the army massacred an estimated 15,000 to 20,000 peasants in Matabeleland, the absorption of the main opposition party, the Zimbabwe African People's Union (ZAPU), into the ruling party, meant that there was no parliamentary check on the government. Ineffectual opposition parties made a challenge in the 1990 and 1995 general elections, but the opposition to President Mugabe was organized through two sections of civil society. First - and primarily preoccupied with economic issues - were the mass organizations. The most important of these were the trade unions, grouped under the Zimbabwe Congress of Trade Unions, with a nationwide network of residents' associations also significant. On the other hand there were mainly urban groups primarily concerned with human rights and constitutional issues. The trade unions led a number of important mass protests on economic issues in the mid-1990s. The two currents coalesced, ultimately to give birth to the MDC in late 1999.

The significant turning point was the constitutional referendum of February 2000. In response to the growing pressure for constitutional reform, President Mugabe had appointed a constitutional commission. However, the civil society reform lobby boycotted the process, on the grounds that the commission was packed with ruling party nominees. The commission produced a draft that strengthened presidential powers - quite the opposite to the intention of the constitutional reform campaign. The government tweaked it by adding a clause (reputedly drafted by the President himself) giving it the power to seize land without compensation if the United Kingdom did not provide the funds. The electorate soundly defeated the draft at the referendum - ZANU (PF)'s first electoral defeat. It was at this moment that the campaign of violence started.⁶

2 The 2000 Election and After

Despite the violent intimidation that led up to it, the June 2000 parliamentary election was an extraordinary result for the MDC. No opposition party since ZAPU in the 1980s had succeeded in winning more than three seats out of the 120 elected. The MDC won 57, with one more going to another small opposition party. The margin of four between ZANU (PF) and opposition was accounted for by the extraordinary reallocation of two urban seats - MDC strongholds - to rural Mashonaland, where ZANU (PF) is strongest. The Registrar General has never published the aggregate voting figures for the election, but adding up the constituency results shows that the opposition won a majority of votes cast.

⁶ Carver

2.1 Continuing Violence⁷

While many had predicted a slackening of violence once the election was over, the thoughts of the ZANU (PF) leadership must have turned immediately to the 2002 presidential poll. Like the referendum, it would be a straight contest between candidates, unmediated by the single-member constituency system, which allows considerable gerrymandering.

It is obviously impossible to keep accurate statistics on political violence, since only reported cases will be counted. Allowing for the fact that these are bound to be underestimates, the best figures are those compiled by the Zimbabwe Human Rights NGO Forum, which groups together all the non-governmental human rights groups in the country. They calculated that there were 48 deaths in political violence in the course of 2001, 329 kidnappings, 992 unlawful arrests and 2,245 cases of torture.⁸ The early weeks of 2002 have, not surprisingly seen an increase in violence.⁹

One reason why violence never really slackened is that the country has been in a constant state of electioneering for constituency and local elections. Several constituencies have fallen vacant because of the deaths of sitting members of parliament - most notably the deaths in accidents of two ministers, Moven Mahachi and Border Gezi, and the death from illness of the war veterans' leader, Chenjerai Hunzvi. Each by-election has been marked by an intensely violent campaign (and a ZANU (PF) victory). Mayoral campaigns have been less violent, with the MDC winning control of Bulawayo, Mutare and Chegutu.

The common assumption outside the country has been that violence has focused on occupied commercial farms. Yet the period since the 2000 elections has been marked by a diversification of the targets of violence. MDC supporters have been a target, clearly. Yet much less widely remarked have been the frequent attacks by "war veterans" and other ZANU (PF) supporters on other social and governmental institutions. In early 2001 there was a wave of invasions of factories and other company premises in the major cities. The pretext for these was for the war veterans to address grievances on behalf of workers - a clear attempt to undermine the MDC among its base of organized labour. These were followed by invasions and threats against foreign non-governmental organizations, again often on a labour pretext.

But most remarkable of all have been a succession of attacks on governmental institutions. The incident with the highest profile was a violent attack at the Harare City Hall in September 2001. It was orchestrated by Joseph Chinotimba, effective leader of the ZWLVA since Hunzvi's death and himself nominally employed by Harare municipality as a police officer.¹⁰ More importantly, there has been a series of attacks over a period of some 18

⁷ Amani Trust; Zimbabwe Human Rights NGO Forum, *Political Violence Report*; Zimbabwe Human Rights NGO Forum, *Complying with the Abuja Agreement: Two Months Report*, Harare, 17 December 2001; Zimbabwe Human Rights NGO Forum, *Human Rights and Zimbabwe's June 2000 Election*, Harare, January 2001; Amnesty International, *Zimbabwe: Appeal to the European Union and the Commonwealth*, London, October 2001; Human Rights Watch, *Zimbabwe: Submission to the Commonwealth Ministerial Action Group*, New York, January 2002; Physicians for Human Rights Denmark, *Zimbabwe 2002 - The Presidential Elections: 44 Days to Go*, Copenhagen, January 2002, <http://www.zwnews.com/Phys1.doc> [accessed 20 February 2002]

⁸ Zimbabwe Human Rights NGO Forum, *Political Violence Report*, December 2001

⁹ Zimbabwe Human Rights NGO Forum, *Political Violence Report*, January 2002

¹⁰ Mukaro, A., Fire Chinotimba - Commissioners, *Zimbabwe Independent* [Harare], 28 September 2000.

months on sections of state apparatus neutrally delivering services to the public. Teachers have been a particular object of suspicion in the rural areas, being automatically thought to have MDC sympathies and often forced to attend “re-education” sessions. Medical personnel have also come under threat for similar reasons.¹¹ In early 2001, war veterans staged a series of attacks and occupations of rural district councils in Matabeleland North. The aim was to prevent the provision of services.

Nevertheless, violence on the commercial farms has remained a feature of the past 18 months. The effect of the continuing land occupations has been the displacement of large numbers of farm workers. Commercial agriculture is the largest single employer in Zimbabwe, with an estimated 350,000 workers employed. Many of these workers are unionized and form a natural support base for the MDC. The existence of large numbers of unionized farm workers no doubt accounts for the opposition’s surprisingly strong showing in rural Mashonaland, whose agriculture is the most labour-intensive and where the largest numbers of workers are employed. Many of these farm workers are also of non-Zimbabwean origin, often Malawian or Mozambican. However, they are either Zimbabwean citizens or permanent residents with the right to vote.¹²

Despite international attention to the plight of the white commercial farmers, it was these farm workers who were the principal victims of the farm violence. At a fairly early stage it was decided that the presidential election would be conducted on a constituency basis. That is to say that, unlike the 2000 constitutional referendum where any voter could cast their vote anywhere in the country, it would now be required that they vote in the constituency where they lived. The combined effect of this requirement and the farm occupations was to disenfranchise those farm workers who were displaced. It is a reasonable assumption that this was part of a deliberate strategy. (It was, however, dealt a blow by a High Court ruling in January 2002, overruling the decision to hold the presidential poll on a constituency basis.)

Displacement was accompanied by political “re-education”. The war veterans reverted to the liberation war practice of *pungwes*, or all-night political education meetings. These involve a large degree of compulsion. The “education” consists of making MDC supporters sing pro-ZANU (PF) songs and threatening them with the consequences of voting for the opposition.

The geographical focus of the violence has shifted somewhat. For more than a year after the 2000 election violence was concentrated in the Shona-speaking areas in the east of the country. In the early part of 2001 there was a notable increase in violent incidents in Harare, an opposition stronghold.

However, the major shift occurred towards the end of 2001, when violence erupted in Matabeleland, which had been relatively quiet up until that point. The mayoral election in September 2001 had passed off relatively peacefully. However, at the beginning of November a prominent local war veterans’ leader, Cain Nkala, was abducted. His strangled body was found a few days later. War veterans, police and government blamed the MDC and a number of Bulawayo MDC members were arrested and charged with the murder, including

¹¹ United Nations, Integrated Regional Information Network, Zimbabwe: School Head Killed in Run Up to Byelection, 14 September 2001, <http://www.irinnews.org> [accessed 20 February 2002]; *Zimbabwe Independent* [Harare], War Vets Harass Doctors, 28 September 2001

¹² *Zimbabwe Independent* [Harare], Legion of Farm Workers Stranded, 14 December 2000

a member of parliament, Fletcher Dulini-Ncube. War veterans under police escort marched through the city centre, ransacked the mayor's office and burned down the MDC offices.¹³

Yet the case was more complex than it had first appeared. Cain Nkala was one of those charged with the abduction of Patrick Nabanyama, the election agent for a Bulawayo MDC MP, who had disappeared the previous year. According to some sources - including Nkala's own family - he was worried that he was about to be abandoned by more senior ZANU (PF) officials who had ordered Nabanyama's disappearance.¹⁴ According to this version of events, Nkala was killed because he was threatening to give evidence about who had ordered the abduction. It was clearly a bonus that his death could then be pinned on the MDC. Certainly, the official version of events had various weaknesses. Aside from the highly orchestrated "discovery" of Nkala's shallow grave with a camera crew from state television in attendance, there was the fact that two confessions from MDC members, the only real evidence in the case, were both retracted in court amid allegations that they had been made under torture. Whatever the truth behind the Nkala case, tension in Matabeleland has increased dramatically in recent weeks.¹⁵

2.2 Attacks on the Media

One reason why the human rights violations of the Mugabe government have been so well documented has been the vibrant independent press. Both weekly papers such as the *Financial Gazette* and *Zimbabwe Independent* and especially the *Daily News*, the only independent daily paper, have provided a constant alternative to the increasingly shrill and unconvincing statements of the official newspapers and the monopoly Zimbabwe Broadcasting Corporation (ZBC).¹⁶

Shortly after the 2000 elections, a private broadcasting station mounted a successful constitutional challenge to the ZBC's monopoly. However, the new Broadcasting Services Act put in place by the Government as a response to this ruling places a series of conditions that make it virtually impossible in practice for a private station to secure a licence.¹⁷ More than a year later, the licensing authority established under the Act is barely functioning and has stated that it will not issue any private broadcasting licences until after the presidential election.¹⁸ Radio is the main source of information for the vast majority of Zimbabweans.

The print media have been subjected to a mixture of violent attacks and administrative or legal measures. The most serious incident since the 2000 election was the bombing of the printing press of the *Daily News* in January 2001. The editorial office in central Harare had been bombed in April 2000, shortly before the elections. Police have not succeeded in identifying those responsible for either bombing.¹⁹

¹³ Human Rights Watch

¹⁴ *The Standard* [Harare], CIO Behind Abduction - War Vets, 11 November 2001; *The Standard* [Harare], Nkala Family Speaks Out, November 18, 2001.

¹⁵ Human Rights Watch

¹⁶ See the reports of the Media Monitoring Project Zimbabwe (<http://www.icon.co.zw/mmpz>).

¹⁷ Media Institute of Southern Africa, Update: Government Body Declares New Broadcasting Regulations Unconstitutional, 19 October 2000, <http://www.misanet.org/zimbabwe-al.htm> [accessed 20 February 2002]

¹⁸ Hungwe, B., No Broadcast Licences, *Zimbabwe Independent* [Harare], 21 September 2001

¹⁹ Media Institute of Southern Africa, Daily News Printing Press Bombed, 29 January 2001, <http://www.misanet.org/zimbabwe-al.htm> [accessed 20 February 2002]

Journalists from the independent press are subject to constant daily harassment and arrest. A recent trend has been the harassment of street vendors to discourage them from selling the papers.²⁰ War veterans and political leaders in several rural districts in Mashonaland have announced that the independent papers have been “banned” from their areas, effectively preventing readers from getting hold of alternative sources of information.²¹

Foreign journalists have also come under attack. In February 2001, the correspondent of the Johannesburg *Mail and Guardian* was refused a renewal of her work permit, while the correspondent of the British Broadcasting Corporation (BBC) had his cancelled. He fled the country after a raid on his house by armed men who were purportedly immigration officers.²² In July the Government refused all accreditation to the BBC to cover the country. The accreditation of the correspondent of the London *Daily Telegraph* was also cancelled.²³ In November, the Government named six foreign correspondents, all either Zimbabweans or permanent residents, and a human rights activist as “terrorist sympathizers”.²⁴

2.3 The Government’s Legislative Programme

The most comprehensive attempt to deal with the media’s constant documentation of official abuse has been the Freedom of Information and Access to Information Act. Despite the title, the primary aim of this draft law is to establish a system of registration allowing the government to control who may practice journalism. In its first version it entirely prohibited non-Zimbabweans from reporting. Many of the worst aspects of the Bill were moderated after severe criticism from the parliamentary legal committee, which described many of the measures as unconstitutional. When finally passed by Parliament in January 2002 it remained one of the most restrictive media laws in the region.²⁵

This is only one of several legislative measures that the government pushed rapidly through parliament in late 2001 and early 2002. The others involved amendments to the Labour, Electoral and Land Acquisition Acts and a new Public Order and Security Act. The amendment to the Labour Act seriously curtails an already limited right to strike (and is also probably unconstitutional). The Electoral Act amendments, as well as establishing strong residence requirements to stop people voting other than in their own constituency, exclude election monitors other than state employees appointed by the Electoral Supervisory Commission (ESC). The ESC is not an independent electoral commission but an advisory body appointed by the President. The monitors will be trained by the Registrar General’s office - the body running the elections. The amendments also prohibit anyone other than the ESC from conducting electoral education.²⁶ The amendments to the Land Acquisition Act

²⁰ Maisokwadzo, F., Police Crack Down on Newspaper Vendors, *Zimbabwe Independent* [Harare], 19 October 2001; Maisokwadzo, F., Zanu PF Mobs Attack Zimind Vendors, *Zimbabwe Independent* [Harare], 7 December 2001

²¹ Mukaro, A., War Vets Block Papers, *Zimbabwe Independent* [Harare], 14 September 2001

²² Media Institute of Southern Africa, Journalists Flee Zimbabwe, 19 February 2001, <http://www.misanet.org/zimbabwe-al.htm> [accessed 20 February 2002]

²³ Media Institute of Southern Africa, Government Suspends BBC Accreditation, 27 July 2001, <http://www.misanet.org/zimbabwe-al.htm> [accessed 20 February 2002]

²⁴ *The Herald* [Harare], Diplomatic Furore Looms, 23 November 2001

²⁵ Zimbabwe, *Freedom of Information and Access to Privacy Act, 2002*, Harare, 2002

²⁶ Human Rights Watch

had the effect of removing any possibility of appeal from commercial farmers whose land was designated for resettlement, before the process of subdivision and reallocation began. This followed an adverse Supreme Court ruling about the Government's "fast track" land resettlement scheme.²⁷ Indeed, a pattern can be discerned whereby every time a government measure has been overturned by the courts, the Government will legislate contrary to the court decision - even though the new legislation is on the face of it unconstitutional.²⁸ This is certainly the case with the Land Acquisition Act amendments, removing the jurisdiction of the Administrative Court over land acquisition (and doing so retroactively).

The same phenomenon can be seen in the Freedom of Information and Protection of Privacy Act, which contains provisions almost identical to the prohibition on spreading "false news", which the Supreme Court found unconstitutional in a celebrated case in 2000.²⁹ The same provision turns up yet again in the Public Order and Security Act, which contains a whole variety of other restrictive measures - again many of them apparently unconstitutional. Shortly before the Bill was published MDC leader Morgan Tsvangirai had had a case against him dismissed on the grounds that the charges under the Law and Order Maintenance Act - terrorism and incitement to public violence - breached his right to freedom of expression under Section 20 of the Constitution.³⁰ These unconstitutional provisions appear again in the new law.³¹ Another overtly unconstitutional provision in the new law is the requirement that all citizens carry identity cards at all time - something that the Supreme Court struck down in 1997.³²

A string of other aspects of the Public Order and Security Act criminalize non-violent political protest. For example, public marches and rallies can only be held with prior police permission - and the police have the discretion to close whole areas to any public procession for up to three months. Anyone who organizes a group that pressurizes the Government through violence - but also by activities such as boycotts or civil disobedience - could be liable to a twenty-year prison sentence. Those arrested on charges of subverting constitutional government, insurgency, banditry, sabotage or terrorism and related offences may be held for up to seven days without charge. The normal period provided for in the Criminal Procedure and Evidence Act is 48 hours. The courts have no discretion to grant bail to those charged with certain serious offences. These include "subverting constitutional government" or inciting others to do so. This includes advocating boycotts or other forms of civil disobedience.

2.4 Independence of the Judiciary

The paradox in a country where, for all practical purposes, the rule of law has collapsed, is that the Government is nevertheless eager to be seen to be complying with the law. This is the reason for a legislative programme that gives a gloss of legality to manifestly unconstitutional

²⁷ Zimbabwe Human Rights NGO Forum, *Complying with Abuja*

²⁸ Human Rights Watch, January 2002.

²⁹ Zimbabwe, Supreme Court, *Chavunduka & Anor v Minister of Home Affairs & Anor*, (2000) 8 BHRC 390

³⁰ *BBC News*, Court Clears Way for Mugabe Opponent, 21 November 2001, <http://news.bbc.co.uk> [accessed 20 February 2002]

³¹ Zimbabwe, *Public Order and Security Act 2002*, Harare, 2002.

³² Zimbabwe, Supreme Court, *Elliot vs Commissioner of Police & Anor*, (1997) 2 CHRLD 295

behaviour. It also explains why the Government has felt it necessary to reconstitute the judiciary rather than simply ignoring its judgements.

The Supreme Court, which also sits as a constitutional court, has been vigorously independent for years. However, a series of rulings on the land issue clearly spelt the end of an independent Supreme Court. The court had found in 2000 that the Government's land resettlement scheme was not only unconstitutional but did not even follow the procedural guarantees set out in the Land Acquisition Act.³³ There followed a series of threats from the war veterans against Chief Justice Anthony Gubbay and other Supreme Court judges. Rather than condemning the threats and offering the judges extra protection, the Government simply stated that it could not guarantee the judges' safety. Gubbay resigned - and there was even additional pressure from the Government to try to make him leave office early. (A number of other judges have also resigned.)³⁴ Gubbay's replacement was the Judge President (head of the High Court), Godfrey Chidyausiku, rather than any of the remaining Supreme Court judges, who had seniority. The Supreme Court bench was expanded with a number of new and inexperienced appointees. The fruits of all this were seen in December 2001, when the court provided a new ruling on the fast track resettlement programme. The bench was chaired by Chidyausiku and composed almost entirely of new appointees. It ruled in favour of the Government. The only dissenting voice was the long-standing Justice Ahmed Ebrahim, who produced a minority judgement arguing that the continuing anarchy on the farms could not remotely be described as conforming to the procedures in the constitution and Land Acquisition Act.³⁵

2.5 The Impact on the Economy³⁶

The collapse of the Zimbabwean economy is both cause and effect of the present crisis. The hardship caused by the structural adjustment programme of the 1990s was a major factor in pushing the urban working class into opposition to the Government. Then the military involvement in the Democratic Republic of the Congo (DRC) from 1998 onwards has contributed to a crippling shortage of foreign exchange and a budget deficit running at about 18 per cent of GDP. One effect of the foreign exchange shortage has been periodic serious shortages of fuel. At various points over the past two years the country has ground to a halt because of lack of petrol and diesel. In mid-2001 this problem was resolved through a deal with Libya, for which the terms seem to be the acquisition of large amounts of property in Zimbabwe by prominent Libyans.³⁷

However, the collapse of the domestic economy because of violence has only made matters worse. The banking system is close to collapse, depending as it does on the security of land against agricultural loans. Foreign business confidence has been shattered by the insecurity and lawlessness. Both inflation and unemployment run at about 60 per cent and the

³³ Zimbabwe Human Rights NGO Forum, *Complying with the Abuja Agreement*

³⁴ Statements by the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Dato' Param Cumaraswamy, 25 January, 12 February, 21 February and 28 February 2001; Peta, B., ZANU PF Takes Over Zimbabwe's Top Court, *Financial Gazette* [Harare], 12 June 2001

³⁵ *Zimbabwe Independent* [Harare], Ebrahim Blasts Fast-Track Land Programme, 7 December 2001

³⁶ International Crisis Group, *Zimbabwe in Crisis: Finding a Way Forward*, Harare; Brussels, 13 July 2001, <http://www.crisisweb.org> [accessed 20 February 2002]; Lamont, J., Investors Losing Confidence in Southern Africa, *Financial Times* [London], 31 January 2002

³⁷ *Financial Gazette* [Harare], Mugabe Races to Avert New Fuel Crisis, 20 December 2001

Zimbabwe dollar has fallen from around 50 to the US dollar two years ago to a current real rate of around 300.

The most immediate impact, however, has been the collapse of agricultural production. The serious effect of the land occupation on tobacco planting hits the country's foreign exchange earnings. The massive shortfall in food production has fuelled domestic inflation but also means that Zimbabwe, once a major food exporter, is now dependent on World Food Programme (WFP) food aid to survive. The provision of international food aid was blocked by the Government for a long time, ostensibly because it feared that international agencies would use it to campaign on behalf of the opposition. In reality, the ruling party has always been eager to use food distribution as a weapon in its own election campaigns.³⁸

3 Displacement and Refugees

Two general observations should be made about the displacement of people in the Zimbabwe crisis. The first is that displacement is one of the aims of the violence.³⁹ Most obviously, it was aimed at driving white commercial farmers from the farms. But of greater numerical significance is the number of farm workers displaced with the aim of disenfranchising them. Estimates of the numbers affected vary from around 20,000 to around 300,000. Part of the reason for the variation may be what is being counted - individuals or families. It seems likely that the number of people affected can be counted in the hundreds of thousands.⁴⁰

Few of those who have left the country appear to have done so as refugees or asylum seekers. Neighbouring countries - South Africa, Botswana and Mozambique - have all made preparations for housing an influx of Zimbabwean refugees, but this has not yet materialized. The reason is probably that there is already a considerable flow of illegal migrants to South Africa. This has probably been swollen by the recent political unrest, but is by its nature impossible to measure.⁴¹

The white community in Zimbabwe is estimated to be less than half the 70,000 that it was in early 2000. Many, possibly most, have taken up residence entitlements elsewhere, notably the United Kingdom and South Africa, while others have settled as migrants in Australia and New Zealand.

However, a growing number of black Zimbabweans have applied for asylum in the United Kingdom. Despite their outspoken stance on human rights violations by the Zimbabwean Government, the UK authorities have not looked favourably on Zimbabwean asylum

³⁸ Innocenti, N.D., Programme to Send Food to Zimbabwe Set for Clearance, *Financial Times* [London], 18 January 2002

³⁹ Mutandwa, G., Government Gets Dirty in Bid to Disenfranchise Enemies, *Financial Gazette*, [Harare], 29 November 2001

⁴⁰ Nyathi, N., Presidential Poll Set to Displace over 200 000, *Financial Gazette*, [Harare], 8 February 2001; Centre on Housing Rights and Evictions

⁴¹ Southern African Migration Project, *Southern African Migration News*, Toronto, December 2001; *Migration News*, University of California Davis, September 2001; Mutsakani, A., Region Readies for Zim Refugees, *Financial Gazette*, [Harare], 23 August 2001; *Financial Gazette*, [Harare], SA Ready for Zim Refugees, 10 September 2001; *Business Day* [Johannesburg], Refugee Camp Set up for Zim Citizens, 18 January 2002

applications and, until January 2002, were returning unsuccessful applicants to Zimbabwe. This practice stopped after documented cases of arrest and ill-treatment of returnees.⁴²

There is considerable concern in the Southern Africa region about the potentially destabilizing effect of a Zimbabwean exodus. Malawi, as the country of origin of many farm workers, is especially concerned. There can be little doubt that rural workers will leave the country over the coming months and years. They travel first to the urban areas in Zimbabwe, where employment opportunities are declining because of the general economic collapse. The most likely next destination is South Africa, rather than Malawi or Mozambique, where economic opportunities are also very limited.

4 Regional Response

The crisis in Zimbabwe cannot be seen in isolation from rest of the Southern Africa region. Indeed, it was argued in an earlier paper, it can be usefully regarded as an aspect of the Great Lakes crisis. In the long term there is concern that the land issue in Zimbabwe might be echoed in other countries with grossly unequal land distribution, notably South Africa and Namibia. In the shorter term there is the fear (in South Africa especially) of large numbers of Zimbabwean migrants, whether or not they formally claim refugee status. And, more broadly, the economic effects of Zimbabwe's political crisis have already had an impact elsewhere in the region, affecting investor confidence and contributing to the serious fall in the value of the South African rand against the US dollar over the past two years.⁴³

Hence the arguments in favour of a regional intervention to resolve the crisis.⁴⁴ The countervailing factor, however, has been the deep reluctance of African governments to be seen to interfere in the affairs of their neighbours. President Thabo Mbeki of South Africa has come under considerable criticism for his failure to speak out against Robert Mugabe publicly (although his predecessor, Nelson Mandela, has not minced his words). That criticism could be ignored for a long time, coming as it did mainly from the white-led South African opposition parties. Around mid-2001 there was a perceptible shift in the official South African position, caused probably by three factors:

- the fact that the crisis in Zimbabwe was clearly worsening despite Mbeki's quiet diplomacy;
- increasingly outspoken criticism of the government position from the Congress of South African Trade Unions (COSATU);
- the development of regular channels of communication between the MDC and South Africa's ruling African National Congress.⁴⁵

At the summit of the Southern African Development Conference, held in Malawi in August 2001, the regional grouping addressed the Zimbabwe crisis seriously for the first time. The host of the conference, President Bakili Muluzi, was surprisingly outspoken in his criticism

⁴² Tempest, M., Blunkett Halts Zimbabwean Repatriation, *The Guardian* [London], 15 January 2002

⁴³ Lamont

⁴⁴ International Crisis Group, *Zimbabwe's Election: The Stakes for Southern Africa*, Harare; Brussels, 11 January 2002, <http://crisisweb.org> [accessed 20 February 2002]

⁴⁵ *Daily News* [Harare], Pressure Piles on Mugabe, 4 December 2001; *Daily News* [Harare], Mbeki's New Bare Knuckles Policy Stuns Mugabe, 7 December 2001

of Zimbabwe - presumably because many of the displaced farm workers were Malawians who might return home looking for jobs. The meeting established a task force of ministers, which travelled to Zimbabwe in September, again delivering a more critical message than hitherto.⁴⁶ However, any positive effect of this intervention was rather diminished at a subsequent meeting of SADC foreign ministers in Harare, which retreated from any public criticism.

At the same time, the Commonwealth Ministerial Action Group (CMAG) reached an agreement with Zimbabwe brokered by the Nigerian Government in Abuja. CMAG is an organ established by the Commonwealth in 1995 to monitor adherence to the organizations standards on governance and human rights. The Abuja agreement was regarded by many as a breakthrough in international relations with Zimbabwe. The agreement acknowledged the centrality of the land question and pledged international financial support for land reform, provided that the Zimbabwe Government abided by certain conditions. These included an end to violence and respect for human rights and the rule of law.⁴⁷ Many in Zimbabwe were critical of the agreement, arguing that land was not central to the crisis, but a pretext by the Government for violence against the opposition.⁴⁸ The criticism, while justified, was entirely beside the point. In the event the Government simply pretended that there were no conditions to the Abuja agreement. Rather it was presented as a pledge by the international community to fund land reform.⁴⁹ When it met again in January to review adherence to the Abuja agreement, CMAG was critical of the Zimbabwe Government but declined to take any action against it.⁵⁰ Like SADC, it pulled back at the brink and allowed Robert Mugabe to present international inaction as endorsement of his policies.

5 The Main Actors

5.1 ZANU (PF)

Historically ZANU (PF) was always much more a confederation of factions than the highly centralized ZAPU - which it swallowed up in 1987, giving itself yet another faction. The present groupings within ZANU (PF) are conventionally, though not entirely accurately, described in ethnic terms. President Mugabe himself is a Zezuru, and it is members of this Shona sub-group who make up an important part of the inner circle. The Karanga from Masvingo have always been seen as more independent of the party leadership, and perhaps more inclined to align with the Ndebele.

The former ZAPU component, mainly Ndebele, occupies a somewhat ambiguous position, both wanting to demonstrate loyalty to ZANU (PF) and also to defend the interests of Matabeleland. The popular feeling in Matabeleland is generally that they have been better at looking after their own personal interests. Their most senior member of government is Vice-

⁴⁶ Wetherell, I., Robert Mugabe Isolated, *Mail and Guardian* [Johannesburg], 14 September 2001

⁴⁷ See the full text of the Abuja Agreement in Human Rights Watch

⁴⁸ Centre on Housing Rights and Evictions

⁴⁹ United Nations Integrated Regional Information Network (IRIN), Zimbabwe Made No Deal to Stop Violence - Moyo, 26 September 2001, <http://www.irinnews.org> [accessed 20 February 2002]

⁵⁰ Commonwealth Ministerial Action Group on the Harare Declaration, Eighteenth Meeting, Concluding Statement, London, 30 January 2002, http://www.thecommonwealth.org/dynamic/press_office/ [accessed 20 February 2002]

President Joseph Msika, but perhaps the most powerful figure is Home Affairs Minister John Nkomo, who is even spoken of as a possible successor to Mugabe.

The party in Masvingo has been deeply divided for some years. The key figure is Eddison Zvobgo, a founder of the party and former Justice Minister who has now been relegated to the backbenches. It was a close associate of Zvobgo's, member of parliament Dzikamai Mavhaire, who first raised the issue that Robert Mugabe should be replaced, even before the emergence of the MDC. In the last elections, the Masvingo provincial governor, Josiah Hungwe, a Mugabe loyalist, ensured that many candidates in the province were acceptable to the leadership rather than aligning with Zvobgo and Mavhaire.

These factional lines (and others) have been apparent for some years. What is now clear is that as the party loses popular support new lines of division have opened up. The past two years have seen the rise of a number of individuals, notably Information Minister Jonathan Moyo and Youth Minister Border Gezi, killed in a road accident in early 2001, who are regarded as being primarily Mugabe loyalists. Moyo's rise in particular was meteoric. He first caught the public eye as an oppositional political science lecturer at the University of Zimbabwe. After a string of lucrative jobs abroad he returned to be spokesperson for the constitutional commission. From there he became ZANU (PF) spokesperson in the election campaign. Afterwards he was rewarded with Cabinet and Politburo posts as Information Minister. Friend and foe were almost unanimous in concluding that Moyo had done a disastrous job. Yet his qualification for his high profile post is his total loyalty to the President.⁵¹ Also in the Cabinet are some "technocratic" ministers, notably Finance Minister Simba Makoni. They are generally regarded as "moderates" - that is, not associated with the party's violent excesses - but have no independent power base within the party.

The significance of these fault lines became publicly apparent in early 2002. First, Parliament quite extraordinarily rejected the Government's series of amendments to the Electoral Act. The reason was simply that not enough ZANU (PF) MPs turned up to vote - an oversight that was presumably not accidental. Constitutionally the measure should not have been presented to Parliament again in the same session, but it was and the Government won the vote. Then the Legal Committee of Parliament, chaired by Zvobgo, rejected Moyo's Freedom of Information and Protection of Privacy Bill on constitutional grounds. When it was finally passed it was with more than 50 amendments and something approaching a promise from the Government that it would not be implemented before the election.⁵² This was not the first time that the Legal Committee had obstructed government legislation - it had done the same with the Broadcasting Services Bill, also from Moyo's department⁵³ - but the openness with which this challenge took place was clear evidence of the disquiet in many ZANU (PF) circles over where President Mugabe is leading both the party and the country.

5.2 "War Veterans"

The role of the "war veterans" is clearly crucial. The inverted commas are merited for two reasons. First, because many of those taking part in land occupations and other violence are clearly too young to have taken part in the liberation war in the 1970s. Second, because many

⁵¹ *Sunday Times* [Johannesburg], Moyo's Missing Millions, 3 February 2002

⁵² *Observer* [London], Zimbabwe Relents on Media Curbs, 3 February 2002

⁵³ Media Institute of Southern Africa, Government Body Declares New Broadcasting Regulations unconstitutional, 19 October 2000, <http://www.misanet.org/zimbabwe-al.htm> [accessed 20 February 2002]

former liberation fighters distance themselves from the activities of the Zimbabwe National Liberation War Veteran Association (ZNLWVA). There are genuine war veterans sitting on the MDC benches in Parliament, while a group of ex-combatants broke away from the ZNLWVA because of their disquiet at the association's being used as a ZANU-PF militia, establishing the Zimbabwe Liberators' Platform.⁵⁴

The ZNLWVA's power stems from two factors. One is the role of its founder, Chenjerai Hunzvi, in manipulating the 1980 War Victims' Compensation Act to the benefit of various senior politicians. Hunzvi, a physician, signed certificates claiming that various senior public figures were seriously disabled and therefore entitled to large compensation payments. A Minister in the President's Office, for example, was 101 per cent disabled, while Hunzvi himself claimed to be 117 per cent disabled.⁵⁵ As a result of the public outcry President Mugabe was obliged to set up a commission of inquiry into the way the compensation fund was managed. At the time of his death in 2001 Hunzvi still faced fraud charges.

The second was Mugabe's apparent fear of opposition within ZANU (PF). Even before the constitutional referendum result, voices were being raised to say that the President was an electoral liability and must go. The war veterans were to some degree beholden to Mugabe because of large unbudgeted pension payments that he unilaterally made to them in 1997.⁵⁶

The war veterans are sometimes described, not surprisingly, as a ZANU (PF) militia, yet in a sense their most important characteristic is that they are entirely outside any party control. Their effectiveness derives in part from the fact that war veteran status is a kind of freemasonry. The leadership of the army and police consists largely of war veterans (though not the lower ranks), providing the militias with a degree of immunity.

5.3 Zimbabwe Republic Police

One of the characteristics of the violence of the past two years has been the failure of police to intervene to protect the victims and stop crime. Police Commissioner Augustine Chihuri has repeatedly refused to obey court orders requiring him to take action against the perpetrators of violence. He has publicly stated on several occasions that the land issue is a political one - therefore it is for politicians to resolve it and not for the police to intervene.⁵⁷ But even this rather extraordinary interpretation of his own professional and legal obligations does not explain incidents like the one in Bulawayo in November 2001. Police escorted a group of war veterans and other ZANU (PF) supporters from their headquarters to City Hall. On the way they assaulted passers by without police intervention. They invaded City Hall and ransacked the office of the mayor - an MDC member overwhelmingly elected in September. From there the demonstrators proceeded, still under police escort, to the Bulawayo MDC offices, which they set alight. The police then set a cordon round the burning building, preventing anyone from putting the fire out.⁵⁸

⁵⁴ Kibble, S., *Zimbabwe: The State, Development and Democratisation*, Catholic Institute for International Relations, London, 2001

⁵⁵ Zimbabwe, *Report of the Commission of Inquiry into the Administration of the War Victims Compensation Act [Chapter 11.16]*, Harare, May 1998, Annex 1

⁵⁶ Carver

⁵⁷ Zimbabwe Human Rights NGO Forum, *Human Rights and Zimbabwe's June 2000 Election*

⁵⁸ Human Rights Watch

The Zimbabwe Republic Police (ZRP) was formed in 1980 out of the colonial British South Africa Police⁵⁹ and security personnel from the liberation movements. Black former BSAP police held senior posts in the early years, since those from the liberation movements lacked any police experience. But Commissioner Chihuri is himself a war veteran (and a seriously disabled one according to Dr Hunzvi's diagnosis, as well as being the recipient of a compulsorily acquired commercial farm).⁶⁰

It is hardly surprising that the ZRP is an unprofessional and ineffectual force. Zimbabwe was ruled under a state of emergency from 1965 to 1990, allowing the police to detain suspects without trial, not having to go through the routine work of building a case before arresting someone. The BSAP was a political police force and the ZRP has simply followed suit. Senior police officers who reject the prevailing partisan ethos have been sidelined. The bulk of junior officers, of course, have entered the force since 1980 and trace their origins to neither the BSAP nor the liberation movements. But the weakness and partisanship of the leadership effectively undermines any aspiration to impartial law enforcement at any level. It is difficult to see how this can be rectified in the short to medium term.

5.4 Zimbabwe National Army

The army is a different matter. The Zimbabwe National Army (ZNA) was also the result of post-independence integration between the remnants of the Rhodesian armed forces and the two liberation movements - the Zimbabwe National Liberation Army (ZANLA - aligned to ZANU (PF)) and the Zimbabwe People's Revolutionary Army (ZIPRA - aligned to ZAPU). Integration hardly went smoothly - ZIPRA desertions led to the low-level Matabeleland insurgency of the 1980s. Nevertheless, it did ultimately work, making the ZNA one of the more effective military forces in the region.

Aside from the Fifth Brigade, trained by North Korean military instructors and responsible for the Matabeleland massacres of the 1980s, military units have generally behaved in a professional manner. However, in the late 1990s some commentators noted a general "militarization" of public life, with senior army officers moving into important civilian posts. This was seen as a sign that President Mugabe was coming to depend increasingly on the army, as support waned within his own party.

There is no doubt that the involvement of the army in the war in the DRC marked an important turning point. A fairly extraordinary development has been the operation in the DRC of business enterprises owned by the ZNA, from which senior officers appear to have benefited personally. The official explanation for this was that the army used its business arm to help pay for the war. But even if this explanation made sense, the effect was to create a top layer of military personnel who had an interest in continuing the war (and staying personally loyal to Mugabe, as opposed to just constitutionally).⁶¹

At the same time as the DRC was strengthening the loyalty of the high command, it may have created a layer of disaffection further down the army. Casualty figures were always higher than reported and occasionally reports surfaced of serious disaffection. These were always

⁵⁹ The British South Africa Company of Cecil Rhodes was the original colonizer of Zimbabwe

⁶⁰ Masamvu, S., Chihuri Grabs Farm, *Financial Gazette*, [Harare], 29 November 2001

⁶¹ *Africa Confidential* [London], Zimbabwe/Congo-K: Glittering Prizes from the War, 26 May 2000; Helen Suzman Foundation [Johannesburg], *Inside Zimbabwe Inc.*, September 2000

officially denied and sometimes treated with extreme harshness. When the *Standard* reported on an alleged coup plot in 1999, the reporter and the paper's editor were illegally arrested by the army and tortured.⁶²

The politicization of the army continued with the deployment of military personnel to organize the farm invasions after the February 2000 referendum. The commander of this operation was Air Marshal Perence Shiri, who had been commander of the Fifth Brigade in Matabeleland in the 1980s, as well as commander of the Zimbabwean forces in the DRC.⁶³ The army was also deployed in the townships of Harare - solidly loyal to the MDC - after the June 2000 elections.

This offers the context for the public statement by the army commander, General Vitalis Zvinvashe, in January 2002. In previous statements, the ZNA's official spokesperson, Colonel Chancellor Diya, had always stressed the army's non-partisan nature and its loyalty to the Constitution. Now General Zvinvashe stated that the army would not consider itself bound by loyalty to any leader who was not bound by the ideals of Zimbabwe's liberation war. Given that Morgan Tsvangirai did not fight in the liberation war, and is repeatedly accused of being a tool of the "colonialists", the meaning was unambiguous.⁶⁴

Although, as will be argued, it is highly unlikely that anyone other than President Mugabe will win the March 2002 election, this overt involvement of the army in politics is an extremely dangerous development. It seems clear that there are senior army officers who would be prepared to mount a pro-Mugabe coup d'état, even though much of the army (and ZANU (PF)) would no doubt be hostile to the move.⁶⁵

6 The Political Geography of Zimbabwe - February 2002

Without full electoral statistics it is difficult to draw a clear picture of the support base of each party. However, the constituency results, combined with the February 2000 referendum results and several mayoral election results, suggest the main sources of each party's support. The towns are overwhelmingly for the MDC - not only the major cities of Harare and Bulawayo, but also Mutare, Masvingo, Gweru, Chegutu and others. The base of support here would appear to be both the working class and the educated middle class. Matabeleland is also very largely for the MDC. The reason for this is presumably the memory of the massacres of the 1980s and a strong popular feeling that the ZAPU leaders who went into government with ZANU (PF) have not represented the interests of their constituents. The MDC has so far been resolutely non-ethnic in the composition of its leadership and its political appeal. The voters of Matabeleland rejected the explicitly ethnic alternative of ZAPU in 2000. Yet it appears that, given an alternative, Matabeleland will not return to ZANU (PF).

In the rural Shona-speaking areas the picture is more complex. Manicaland Province, along the Mozambique border, is strongly MDC, except for a pocket of ethnic support in Chipinge

⁶² Carver

⁶³ *Financial Gazette* [Harare], Army Brains behind Land Intrusions, 4 May 2000

⁶⁴ Hawkins, T., Security Forces Back Mugabe, *Financial Times* [London], 10 January 2002

⁶⁵ Quintana, M., Why the Rank-and-file Soldiers Will Defy Orders to Oust an Elected Political Leader, *Daily News* [Harare], 22 January 2002

for ZANU Ndonga, the party of the late Reverend Ndabaningi Sithole, which has one member of parliament. There is a history of opposition to ZANU (PF) in the province. It was the base of support for Edgar Tekere's Zimbabwe Unity Movement in the 1990 election. The predominance of plantation agriculture and a large unionized work force undoubtedly favours the MDC.

Masvingo is also complex. It is Morgan Tsvangirai's home area and the MDC clearly enjoys considerable support. In one sense ZANU (PF) is weakened by the factional dispute in the province. Yet the existence of a critical wing within the party is attractive to people who, elsewhere in the country, might naturally gravitate to the MDC. Given Eddison Zvobgo's open opposition to the President, it might be that many rank-and-file ZANU (PF) supporters in Masvingo will in fact vote MDC.

The Shona heartlands around and to the north of Harare are now the last bastion of ZANU (PF). The relentless playing on the land issue is directed at a rural Shona peasant constituency. Yet many of those living in the country's richest farming areas are farm workers who do not benefit from land redistribution or the continuation of a ZANU (PF) government. Hence the surprising level of support for the MDC even in the areas that ZANU (PF) regards as its own. It is here, for reasons that are probably as much to do with vengeance as with strategy, that the violence has been worst.

There seems little doubt that in a free election, either parliamentary or presidential, the MDC would win easily. The shrinkage of the ZANU (PF) support base - its reduction to a party of the Shona peasantry - is no doubt due in part to its own brutality (in Matabeleland) and mismanagement. But it is also to do with economics and demographics. Zimbabwe in the early twenty-first century is certainly an agricultural country but, partly because of changes wrought by ZANU (PF) itself, it is far less of a poor peasant economy than it was at independence. This is partly because of the Government's encouragement of farming in the communal lands for the market, which for most of the period since independence has been highly successful. But it is also because there are more than twice as many Zimbabweans now as there were in 1980.

7 Prospects

Nothing short of a major miscalculation on the Government's part will secure an election victory for Morgan Tsvangirai. The evidence of the last two polls, combined with opinion poll projections, suggest that in a free election he would be a clear, if not overwhelming, victor. However, the strategy in the Mugabe camp has been to leave nothing to chance. The elements in this strategy have been:

- amendments to the electoral law to favour the incumbent, restrict opposition campaigning and disenfranchise sectors of the population thought to favour the MDC;
- violent intimidation of potential opposition voters and the creation of areas of the country where the MDC is unable to campaign;
- retaining control over the most influential mass media;
- responsibility for the election resting with a Registrar General who is an open ZANU (PF) loyalist whose conduct of previous elections has been heavily criticized;⁶⁶
- heavily circumscribing the role of domestic election monitors and foreign observers.

⁶⁶ Human Rights Watch

The fact that there have been two recent polls means that government strategists know precisely how far the process needs to be influenced in order to secure the outcome that they need. It is inconceivable that they would incur enormous international opprobrium - combined with the likelihood of targeted personal sanctions against the leadership - and then fail to win the election. Hence the apparently genuine optimism expressed by many MDC officials seems entirely misplaced.

Assuming that there is a Mugabe victory, there are several likely consequences:

- a continuation of the current economic free fall;
- the imposition of international sanctions on ZANU (PF) leaders;
- a campaign of violent retribution against key MDC figures, once the international spotlight shifts away from Zimbabwe;
- popular disillusionment with the MDC as a potential vehicle for change;
- divisions among MDC supporters about the efficacy of non-violent opposition.

There will no doubt also be great disquiet within the ZANU (PF) camp, but at that point no one will dare to make a move against the Mugabe leadership.

In the unlikely event that Tsvangirai were to win the election, the probability is that Mugabe would attempt to remain in office. He would do this by declaring a state of emergency, citing the declining security situation in the country as a whole. (This may happen even if he wins in order to increase the legal possibilities for dealing with opposition supporters.) This is perhaps a more likely development than overt military intervention, although Mugabe would clearly depend on the army for a major internal security role. A violent response from sections of MDC support, particularly poor urban youth, would be probable in this scenario - indeed one purpose would be to provoke violence from the opposition in order to undermine its claim to power.

Zimbabwe is condemned to many more months of violence whatever the result of the election.

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