



4 years after  
**MUGABE:**

**Progression or Regression?**

**The Second Republic's Governance  
Performance since November 2017.**

# **PLUS** **CHANGE**

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## The Second Republic's Governance Performance Since November 2017.

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## **1. Introduction**

The deposing of the late President Mugabe in November 2017 marked the genesis of the “Second Republic”, led by President Emmerson Mnangagwa. At the onset of the ‘Second Republic’ the new president promised a significant number of reforms that would change the governance culture and practices of the country. Some of the promises made included fighting corruption, observance of human rights, upholding the rule of law, opening up the democratic space, improving the ease of doing business and re-engaging with the international community.

Prior to this, Zimbabwe has been experiencing an unending crisis with political, economic and social dimensions ever since the late 1990s. Critical to this unending crisis has been the impasse on questions around governance human rights and democracy. This has brought the role of institutions in governance and the economy come under scrutiny for the past two decades. The country has always held periodic elections on time and schedule, has a number of supposedly independent institutions and a highly organized and vibrant civil society. However, the other arms of government and such as parliament and judiciary have generally been perceived as being under the domination of the executive. The government has had tumultuous relations with civil society and frosty relations with business.

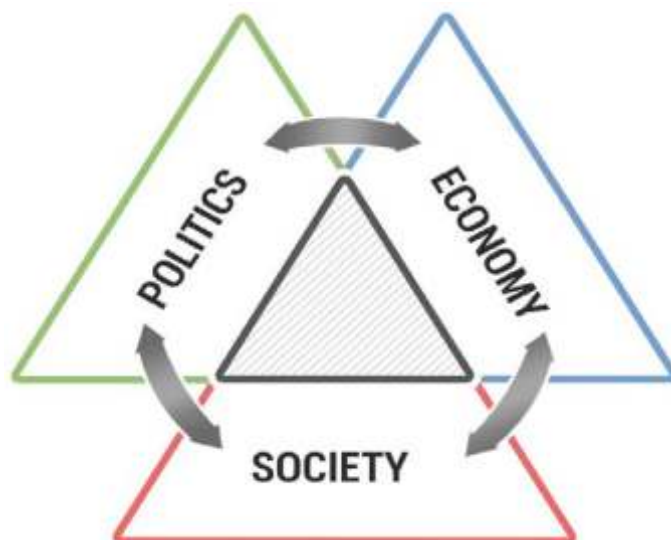
Zimbabwe has persistently faced questions of the rule of law and independence of its institutions of governance. The policy practice has in most cases always been at variance with what is provided within Constitution and the law. The issue of civil military relations continues to haunt the Zimbabwean society and remains one key unresolved question. Corruption and rent seeking behavior have characterized the conduct and operation of most public-sector institution, hence the capture of state institutions by the political elites and ultimately erosion of service delivery voice of citizens.

### **1.1 Approach**

This paper treks and assesses the performance of various key governance indicators ever since November 2017. In doing so, the paper looks at governance from three perspectives as outlined in the diagram below.



## Policy Making Space Intersect



**Fig.1 Shows the ideal type of a democratic and developmental state (Source: Dr Daniel Ndlela, Zimconsult).**

The paper is divided into 3 sections defined below, using the above diagram.

### **1.1.1 Governance as State-society Relations**

State-society relations are defined as interactions between state institutions and societal groups to negotiate how public authority is exercised and how it can be influenced by people. They are focused on issues such as defining the mutual rights and obligations of state society, negotiating how public resources should be allocated and establishing different modes of representation and accountability<sup>1</sup>. The identified indicators which are a combination of broad universal criteria and context-specific local indicators track the performance of government in promoting positive relational functions of the state and society. It aims to establish the extent to which government has promoted the inclusion of citizens in public life through the promotion of peace and the reversal of the legacy of negative and weak state-society relations.

### **1.1.2 Governance as Economic Relations**

The way an economy is governed is fundamental as this determines the quality of services citizens get. Yilmaz (2007) defines economic governance as, "...as the nature and practice of economic management, regulation and development; or the institutional environment that constraints and coordinates economic action"<sup>2</sup>. This means, the institutions, rules, norms and values guiding the conduct of business within both the private and public sphere creates the

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<sup>1</sup> DFID, 2010, "Building Peaceful States and Societies: A DIFD Practice Paper" Department for International Development, London

<sup>2</sup> Yilmaz D., (2007)., Economic Governance: The Turkish case. Opening remarks at the Conference on Current Issues in Economic Governance, Ankara. Available at: <https://www.bis.org/review/r070413e.pdf>

framework of economic governance. According to SECO, it is “...only strong, well-governed and transparent public institutions can deliver their services to the population effectively”<sup>3</sup>. In this case, how economic action has been coordinated or marshalled in Zimbabwe ever since November 2017 is key in understanding governance as economic relations.

### **1.1.3 Governance as Public Service Delivery**

State-service delivery can be defined as any contact with the public administration during which citizens, residents or enterprises –seek or provide data, handle their affairs or fulfil their duties. These services should be delivered in an effective, predictable, reliable and customer-friendly manner. Good service delivery requires that: The government understands the need to promote citizen-oriented administration which is a policy objective put into practice coherently, through various regulatory and other mechanisms, to ensure quality public services.<sup>4</sup> These services address such basic social needs as clean water and sanitation, health care and education, and nutrition, but also economic infrastructure for power supply, telecommunications, and transport by road, rail, and water. Public services extend beyond these tangible investments to encompass land registry systems for formalizing property rights, the issuance of licenses and permits, and the codification and enforcement of law, among other services.<sup>5</sup> Weak governance is often seen by the level of public service gaps available in a particular context or geographical area.

This exercise represents a modest beginning of a deeper analysis of good governance in Zimbabwe. Greater focus is given to the explicit goal of explaining political phenomenology of democratization in Zimbabwe using the nexus of the three paradigms articulated above..

## **2.0 Governance as Economic Relations and Opportunities**

Governance and economic relations issues in Zimbabwe have generally attracted negative ratings for more than two decades. Based on key business and economic indicators useful for assessing the strength of the economy, the Second Republic score card has never been different from its predecessor.

### **2.0 Business confidence index (BCI)**

The Second Republic, under the mantra “Zimbabwe is open for business” aimed to attract new business and investors. However, it was not complemented by a policy environment which removes fears and potential threats. The BCI, based upon opinion surveys helps to provide information on how business managers feel about the prospects of their companies in a country. BCI fluctuates between -100 and 100. A positive value of BCI indicates business optimism.<sup>6</sup>

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<sup>3</sup> State Secretariat for Economic Affairs. Federal Department of Economic Affairs, Education and Research.

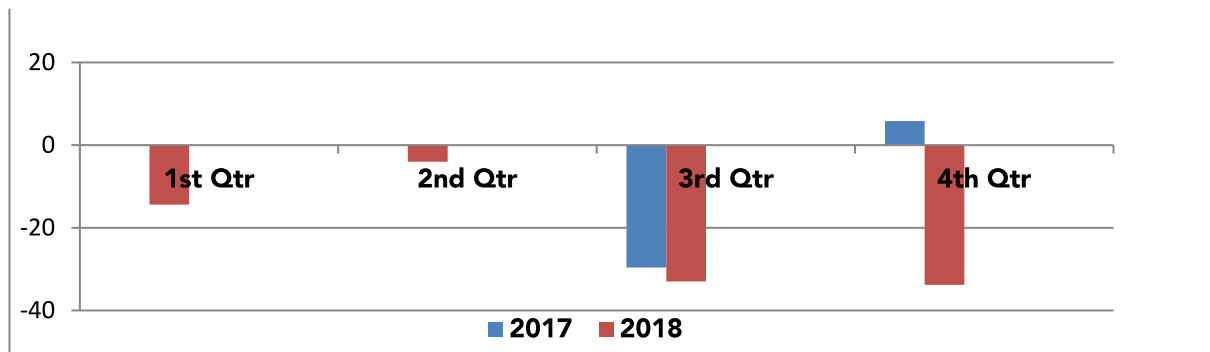
<sup>4</sup> <http://www.sigmaweb.org/ouexpertise/service-delivery.htm>

<sup>5</sup> J. Shikha. P. Quising & J. Zhuang & G. Xu. 2013. Governance and Public Service delivery.

<sup>6</sup> *Business Weekly* 17 July 2021. Zimbabwe Business Confidence Drops, <https://www.ebusinessweekly.co.zw/zims-business-confidence-drops/> (Accessed on 18 September 2021)

Graph 1 below, shows that between the 3rd quarter of 2017 and the 4th quarter of 2018, Zimbabwe only had one positive index in the period immediately after the coup as business was optimistic to political changes. BCI has generally been low due to the prevailing political economy, lack of clarity and consistency in relation to political stability, the role of the military fiscal and monetary policies.

**Graph 1 BCI for Zimbabwe 2017-2018**



Source: Authors

## 2.2 Easy of Doing Business Index (EoDBI)

Likewise, the second republic has been on an overdrive towards political and economic reengagement particularly with the west and Bretton Woods institutions. Under the mantra ‘Zimbabwe is open for businesses’, the country EoDBI continue to be ranked above 100. EoDBI ranks countries against each other based on how the regulatory environment is conducive to business operation stronger and protections of property rights. Economies with a high rank (1 to 20) have simpler and friendlier regulations for businesses.<sup>7</sup> Table 1 below shows EoDBI rankings for Zimbabwe since 2016. This means business regulation has not reformed post-Mugabe era. Corruption, tough regulatory frameworks, policy inconsistency and weak institutions are major problems.

**Table 1: Easy of Doing Business Index (EoDBI) for Zimbabwe, 2016 to 2021**

Year	2016	2017	2018	2019	2020	2021
Ranking	161	159	155	140/190	140	

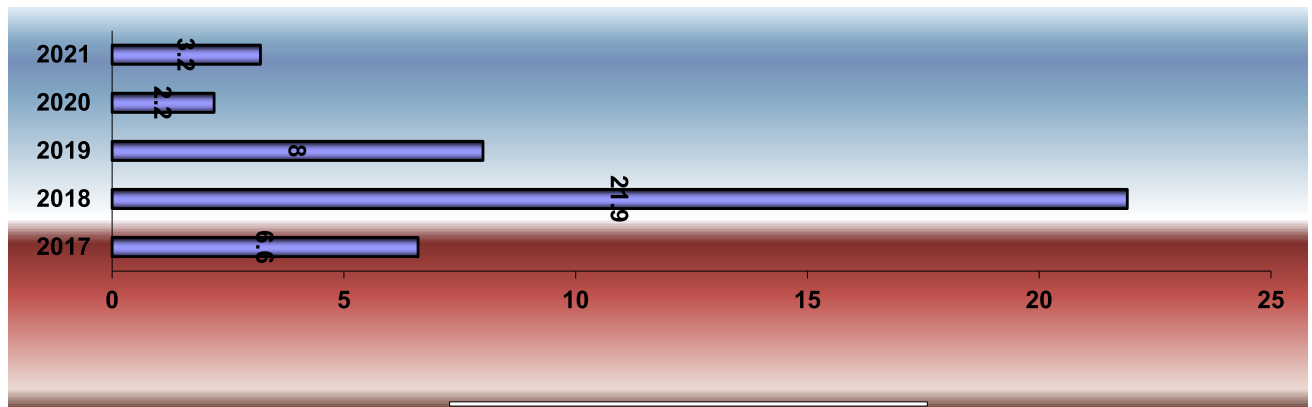
## 2.3 Mining Business Confidence Index (MBCI)

The mining sector is one of Zimbabwe’s biggest industries contributing about 60 percent of export earnings and 16 percent of GDP in 2018. MBCI gauges confidence among members of

<sup>7</sup><https://tradingeconomics.com/zimbabwe/ease-of-doing-business#:~:text=Ease%20of%20Doing%20Business%20in%20Zimbabwe%20is%20expected%20to%20reach,according%20to%20our%20econometric%20models.>

the Zimbabwe Chamber of Mines and its index scale ranges from -100 to +100, with the lowest score representing the least level of confidence and the biggest score representing the highest.<sup>8</sup>

Graph 2: Zimbabwe MBCI 2017 to 2021



*Authors*

MBCI fluctuated between 6.6 in 2017 and 3.2 for 2021. Its highest was in 2018 when business pessimism was higher following the 2017 change in government. The continued drop and fluctuation in confidence was caused by weighed down variables such as access to capital, political and country risk, as well as economic prospects and policy inconsistency.<sup>9</sup>

## 2.4 Public Procurement and Accountability

The procurement of goods and services by the State and agencies of government are governed by chapter 195, sub section 2 and Chapter 365 of the constitution. An Act of Parliament is empowered at every level to prescribe procedures, establish transparent, open and competitive procurement systems. However, political corruption, and state capture have resulted in the state losing its ability to make transparent procurement decisions that might achieve long-term developmental goals.<sup>10</sup> The US\$28 million Drax Covid-19 related procurement scandal which plagued the Ministry of Health and Child Care (MoHCC) in 2020 and the US\$54 million bus procurement scandal involving Kuda Tagwirei, top advisor to President Mnangagwa are examples of irregularities (CIASA. 2021), The Auditor General's reports from 2017 to 2019, shows massive corruption in State Owned companies, ministries and local authorities where tens of millions are being lost in local authorities while other entities are not submitting their accounts for audit raising fears of deep seated corruption in those entities.<sup>11</sup>

<sup>8</sup> *NewZ Wire*. October 28 2020. New survey: Zimbabwe's mining executives more confident about 2021, but worry over policy and capital remains. Available at <https://newswire.live/new-survey-zimbabwes-mining-executives-more-confident-about-2021-but-worry-over-policy-and-capital-remains/>

<sup>9</sup> Economic News Network. 7 November 2019. Zim Mining Industry Business Confidence for 2020 Declines. Available at: <https://enn.news/companies-news/mining/zim-mining-industry-business-confidence-for-2020-declines/>

<sup>10</sup> Mungwari, T. 2019. The Politics of State Capture in Zimbabwe, *International Journal of Research and Innovation in Social Science (IJRISS)*, Volume 3, Issue 2.

<sup>11</sup> See: Report of the Auditor-General for the Financial Year Ended December 31, 2018 on Local Authorities; Report of the Auditor-General for the Financial Year Ended December 31, 2018 on state enterprises and parastatals

**Table 2: Selected reported procurement scandals from 2017 to 2021**

Issue	Summary	Estimated Amount	Year
Drax Scandal	Minister of Health Obadiah Moyo allegedly chose the company to sell medical supplies to the government at inflated prices that included face masks for \$28 each.	The amount is estimated to be around US\$ 60 Million	2020
Eqstra Holdings Covid-19 Scandal	-Eqstra Holdings, failed to deliver 10 000 Tyvek Covid-19 protective overalls after it was unprocedurally awarded a tender by the city of Harare. Prices for the equipment were inflated.	The inflated price is expected to have costed the city ZW\$51 520 000 (US\$606 117)	2020
Landela Zupco bus procurement Scandal	Tagwireyi's company Landela won a tender to supply 500 buses for mass public transportation from Xiamen Golden Dragon Bus Company in China. Each bus was to be sold to the government for US\$212 962. The company was earmarked to make a profit exceeding 100%	The unit price of the buses was US\$58 900	2020
Landela Mining Scandal	Tagwirei paid millions of dollars to a Zimbabwean military-owned company so that Landela Mining Ventures, a company he controlled, could purchase 50% of Great Dyke Investments (GDI), platinum mine worth hundreds of millions and run as a joint venture with a Russian firm. <sup>12</sup>	Not specified but estimated to be millions in US\$	2019

## 2.5 Infrastructure

About US \$1 billion dollars was spent on road rehabilitation, gravelling and drainage structuring for infrastructural development by August 2021.<sup>13</sup> Major Road works are on-going across the country with many stretches where work has now been completed. Ardbernnie Road in the industrial sites linking Seke Road to Mbare is among the roads that have been fully repaired and then resurfaced with road markings completed.<sup>14</sup> Along Beitbridge and Harare, many stretches have been completed. The reconstruction of Seke Road under the ERRA is also underway. The major challenge however that is these major infrastructural developments are opaque. No clear public information with regards to planning and budgeting raising fears that

<sup>12</sup>The Sentry, 07 January 2021. Press Release, Breaking: Sentry Report Reveals Hidden Business Practices of Zimbabwean Tycoon Kudakwashe Tagwirei. Available at <https://thesentry.org/2021/07/01/6155/breaking-sentry-report-reveals-hidden-business-practices-zimbabwean-tycoon-kudakwashe-tagwirei/>

<sup>13</sup>B. Chidhakwa. August 2021 *The Herald*. Zimbabwe: City Roads Upgrade Shows Excellence At Work: <https://allafrica.com/stories/202108230320.html>

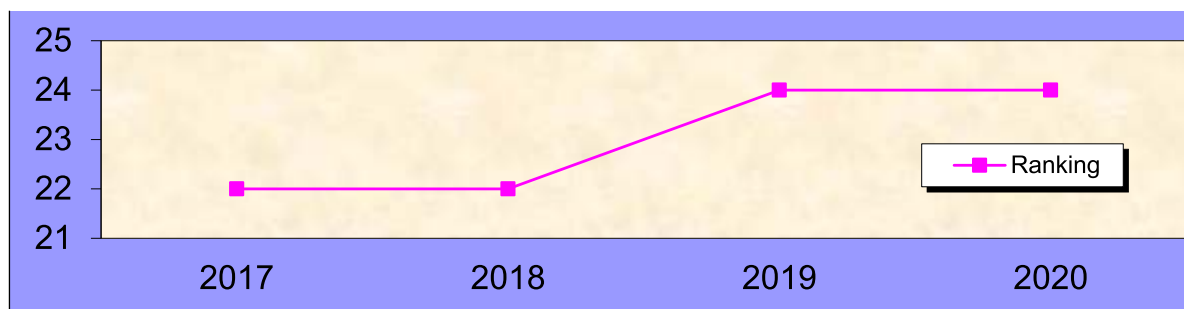
<sup>14</sup> Ibid.

prices are inflated. Often tenders are reported to be awarded to those linked to the ruling party or the president.<sup>15</sup>

## 2.6 Corruption Perception Index (CPI)

The CPI ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean).<sup>16</sup> Graph 3 below shows that corruption ranking for Zimbabwe only moved upwards by two points from 22 in 2017 and 2018 to 24 in 2019 and 2020. Though this is a positive move, the figure points that corruption levels in the public sector are still high. Prosecutions on corruption have often followed political lines. State institutions including ZACC, courts and the police that should guard and protect the country against such activities, have all been embroiled in corruption scandals.

Graph 3: Zimbabwe Corruption Index ranking 2017 to 2020



## 2.7 Natural Resource Management

Section 73 of the Constitution provides for environmental rights. This has been a major turning point as the previous constitution was silent about these rights, but were outlined in the Environmental Management Act (Chapter 20:27) of 2002.<sup>17</sup> However, there is a lack of transparency and accountability in the country's resource management particularly in the extractive sector. Citizen participation in mineral resource management has remained limited which explains the varying and unresolved conflicts between government, mining companies and the citizens.<sup>18</sup> The incumbent Zanu PF lures potential funders by promising to avail economic opportunities to partners to secure funding for their campaigns using mineral resources which the opposition often do not have access to. Zanu PF entered into a deal with Moti's African Chrome Fields in 2018, with the South African businessman reported to have

<sup>15</sup>Zim Eye. June 2021. Mnangagwa Tender Corruption Divides Matabeleland

<https://www.zimeye.net/2021/06/08/mugabe-mnangagwa-allies-on-each-others-throat-over-tender-corruption/>

<sup>16</sup> Available at: <https://tradingeconomics.com/zimbabwe/corruption-index>. (Accessed on 3 October 2021)

<sup>17</sup>I. Chirisa & A. Muzenda. 2013. Environmental Rights and the Zimbabwean Constitutional Debate: Implications for Policy and Action. *Southern Peace Review Journal*, (2). 104-121.

<sup>18</sup>Improved Natural Resource Governance: Contract Transparency is Crucial, 14 August 2020. Available at <http://kubatana.net/wp-content/uploads/2020/08/Improved-Natural-Resource-Governance.pdf>.

bought 150 double cab vehicles for Zanu PF's 2018 election campaign in return for 300 hectares of Chrome fields whose actual value was never disclosed to the public.<sup>19</sup>

## 2.8 Militarisation of business state relations

The Second Republic views the military as an integral institution in preserving national interests, including business relations with the state. At the heart of the Zimbabwe crisis lies a nationalistic military business and political class that has been growing its tentacles to all sectors of society since 2000. The military continued to have business interests in various opaque companies ranging from diamond and gold mining, farming, tourism, and fuel industries after November 2017. In league with Zanu PF, the military have used these connections to establish monopolies in key sectors of the economy, and exploit the public.<sup>20</sup> For example, the report by Democracy in Africa in 2019 notes that, almost all ministry of agriculture district officers in Mashonaland East province where beneficiaries of command agriculture were vetted, selected, registered and contracted had been a member of the ZNA. Hence, the deployment of the army was to ensure the side-lining of technical officials from the ministry of lands and agriculture in order to protect the interests of the military.

## 2.9 Patronage/Politicisation of Opportunities

State institutions like GMB and the Agricultural Finance Bank continue to be deployed to build strong patronage networks through the distribution of financial resources, inputs and farming equipment in the Second Republic.<sup>21</sup> Command agriculture in particular, provides opportunities for extension of patronage, given that the Ministry of Agriculture coordinates the selection of beneficiaries, distribution of inputs and collection of farming outputs.<sup>22</sup> These exclusionary programs have lubricated, cascaded and consolidated a deep patronage and clientele infrastructure across key farming and rural constituencies and secured them for future use in ensuring electoral victory for the ruling Zanu PF party.<sup>23</sup> The awarding of state business/tenders such the procurement of Zupco buses which has been given to Kuda Tagwirei.

## 2.10 Land and Property rights

Property rights including freedom from arbitrary eviction are protected by section 74 of the constitution. Under this section, no person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.

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<sup>19</sup> R. Moyo. 2021. Mnangagwa Zanu PF Party in Corrupt Election Funding. Techmag. Available at: <https://technomag.co.zw/mnangagwas-zanu-pf-party-in-corrupt-election-funding/> (Accessed 20 September 2021).

<sup>20</sup> P. Zamuchiya. 2021. The Shadow State in Zimbabwe: A state within a State. Shadow State in Africa Report. *Democracy in Africa*. Available at: <http://democracyinafrica.org/wp-content/uploads/2021/09/The-Shadow-State-in-Africa-Report-FOR-INSTANT-UPLOAD-COMPRESSED-THIS-ONE.pdf>

<sup>21</sup> T. Shonhe. 2018. The political Economy of Agricultural Commercialisation in Zimbabwe, *Working Paper*012, p. 24.

<sup>22</sup> Ibid.

<sup>23</sup> Zimbabwe Democracy Institute. 2020. Command agriculture: Post Mugabe Authoritarianism - Zimbabwe's Political Moral Hazard. *Report* Available at: <https://kubatana.net/wp-content/uploads/2020/01/ZDI-REPORT-FINAL-2020..pdf> (Accessed on 19 September 2021)



The Esidakeni Farm saga where the government has spiritedly tried to dispossess the Malunga's of their land is one clear case of continued violation of property rights<sup>24</sup>. Residents have also faced demolitions even at the height of Covid-19 lockdowns. For instance, in January 2021 traders stalls were destroyed in Magaba Home Industrial area<sup>25</sup>, and in May 2021 residents of Melfort had to wake up to their homes being destroyed<sup>26</sup>. Rural communities continue to face arbitrary evictions to make way for businesses despite Section 74 of the Constitution of Zimbabwe prohibiting. For instance villagers in Kaseke in Uzumba, Chilonga in Chiredzi and Chivhu face eviction to make way for mining and farming projects by big businesses. However, where such eviction is to take place, Section 71 prescribes that the affected people have to be first consulted, offered adequate and satisfactory compensation as well as the opportunity to appeal the decision to evict them if not satisfied.

### **3.0 Governance as State-relations: Public Law**

#### **3.1 Citizen-state relations/Militarisation of society**

Chapter 211 and 212 of the constitution defines the roles of the military including respecting fundamental rights and freedoms of all persons, be non-partisan, professional and subordinate to the civilian authority. However, the Zimbabwe Republic Police (ZRP) and the Zimbabwe National Army (ZNA) increasingly contributed the highest number of perpetrators in human rights violations particularly after the 2018 elections.<sup>27</sup> The Zimbabwe Democracy Institute (ZDI) 2020 report shows that the military has become a permanent feature of the country's politics, thus almost equating it to militarisation of state and politics.<sup>28</sup> Militarisation of state institutions and agencies from 2017 increased with some members of the army becoming Zanu-PF politburo members; who went on to occupy various important positions in the Public Service, Judiciary and even taking over the oversight of police and intelligence functions and civilian operations. Vice President Chiwenga became Minister of Health and Child Care (MoHCC) in 2019. The MoHCC later on after some labour disputes decided to put the recruitment of junior doctors under the Zimbabwe Defence Forces thus further underlining the encroachment of the military in areas perceived as civilian.

#### **3.2 Policing in communities**

Chapter 3 of the constitution outlines the responsibilities of the ZRP. Among them detecting, investigating, and preventing crime; preserving the internal security of the country including protecting and securing the lives and property of the people. Trust in community policing further deteriorated due to corruption and the aftermath of the July 30 2018 election, the police were found responsible, along with the military, for the deaths of six people by a commission

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<sup>24</sup> <https://www.theindependent.co.zw/2021/08/13/minister-in-fresh-farm-grab-storm/>

<sup>25</sup> <https://dailynews.co.zw/demolition-of-illegal-structures-continues/>

<sup>26</sup> <https://www.herald.co.zw/council-continues-demolition-of-illegal-structures-in-mbare/>

<sup>27</sup> Zimbabwe Peace Project Report (ZPP). 2020. Under a Darkening Sky: Zimbabwe's Regression into Repression and Recession, June 2020 Monthly Monitoring Report.

<sup>28</sup> Zimbabwe Democracy Institute (ZDI). 2020. Command agriculture: Post Mugabe Authoritarian consolidation-Zimbabwe's Political Moral Hazard

of inquiry.<sup>29</sup> Again in 2019, the ZRP and the army carried out a brutal crackdown that resulted in at least 15 deaths, 340 injured and more than 1,000 arrests.<sup>30</sup> These acts of brutality by the police are against their constitutional duty.

### 3.3 Judiciary independence

Constitutional Amendment No.2 Bill gazetted in 2019 gives the President the powers to appoint a judge without the previously prescribed nomination and public interviews. Moreover, under the newly s 186(5) Supreme Court and Constitutional Court Judges have the option to elect a further five-year term subject to approval by the President and recommendation of the JSC.<sup>31</sup> The move exposes judges to external influences that may compromise their independence should they be approved to continue in office. The Chief Justice is the head of the Judicial Service Commission (JSC) and therefore, presides over processes to select and recommend candidates for judicial appointment. Furthermore, corruption, selective arrests and failure by ZACC to prosecute any of the big names embroiled in different scandals has shown how those with political connections are left to walk freely. The courts are skewed in favour of those who have connections to the ruling elite.<sup>32</sup> “Lawfare”<sup>33</sup> is being used to silence opponents of the state without any regard to the rule of law and the national constitution. Critics of government like Hopewell Chin’ono have become targets of selected arrests with court delaying their bail hearings. This prompted critics to argue prosecution is being used to achieve persecution of opponents.<sup>34</sup>

### 3.4 Civil-society-state relations

Continuous threats against Civil Society Organisations (CSOs), the maintenance of restrictive laws, and superficial reforms the Second Republic maintained them from the Mugabe era. The government is sympathetic to development- and welfare-oriented CSOs, considering those focusing on advocacy and governance as enemies bent on destabilising the state.<sup>35</sup> Former

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<sup>29</sup>*Associated Press*. 2018. Zimbabwe inquiry finds army, police killed 6 protesters. Available at: <https://www.news24.com/Africa/Zimbabwe/zimbabwe-inquiry-finds-army-police-killed-6-protesters-20181218>. (Accessed on 20 September 2020)

<sup>30</sup>M. Mwananyanda. 2019. Zimbabwe: Ruthless crackdown on freedom of assembly exposes intolerance for dissent, *Amnesty International*. Available at: <https://www.amnesty.org/en/latest/news/2019/02/zimbabwe-ruthless-crackdown-on-freedomof-assembly/> (Accessed September 20, 2021).

<sup>31</sup>F. Chimwamurombe. 2021. Zimbabwe: Unpacking Constitutional Amendment No. 2 Act: Implications on the Judiciary, *Mondaq*, 14 May 2021. Available at: <https://www.mondaq.com/constitutional-administrative-law/1069156/unpacking-constitutional-amendment-no-2-act-implications-on-the-judiciary>. (Accessed on 20 September 2021).

<sup>32</sup>The Independent. 2016. Selective application of the law problematic in Zimbabwe. Available at: <https://www.theindependent.co.zw/2016/11/07/selective-application-law-zim-problematic-2>. (Accessed 18 September 2021).

<sup>33</sup> See Magaisa, A. T. (2020). Lawfare: The removal of Beatrice Mtetwa. *Big Saturday Read*. Available at: <https://www.bigsr.co.uk/single-post/2020/08/18/Lawfare-The-removal-of-Beatrice-Mtetwa>

<sup>34</sup> See Magaisa, A. T. (2020). Zimbabwe a case of political persecution. *Big Saturday Read*. Available at: <https://www.bigsr.co.uk/single-post/2020/08/08/Big-Saturday-Read-Zimbabwe---a-case-of-political-persecution>

<sup>35</sup>I. Kabonga & K. Zvokumba. 2021. State–Civil Society Relations in Zimbabwe’s “Second Republic”, *International Journal of African Renaissance Studies*, 16:1, 177-201.

acting Labour and Social Welfare Minister Kazembe Kazembe, at a Cabinet briefing in 2018, mentioned that some non-governmental organisations (NGOs) were dabbling in politics, he promised that the government will not hesitate to withdraw their registration certificates.<sup>36</sup> In another incident, the Provincial Development Coordinator for Harare, Muguti threatened to criminalise operations of NGOs on June 2021.<sup>37</sup> He did not state the law under which he made the declaration that NGOs will be stopped from operating. The move threatens the rights of applicants provided in Chapter 4 section 57, 68, and 69 of the constitution. This shows the authoritarian nature of the Zimbabwean government.

### 3.5 Fundamental Human Rights and Freedoms

Fundamental freedoms are enshrined in Chapter 4 of the country's Constitution. They include but not limited to the right to life, land, political rights, health care, association and water. After taking power, the new administration promised to make drastic changes to address past challenges. By November 2019, President Mnangagwa signed the Maintenance of Peace and Order Act (MOPA) into law. While it was meant to replace the repressive Public Order and Security Act (POSA), the new law retained heavy restrictions on freedom of assembly. Violations of laws like the Criminal Law (Codification and Reform) Act (CLCRA) under MOPA results in harsh penalties, including prison sentences, contributes to self-censorship among journalists when reporting stories. At least 22 cases in which activists were charged with treason or subversion were recorded in 2019.<sup>38</sup> Abductions, torture, week long internet shutdown, deadly shootings are some examples in which human rights and freedoms were infringed under the Second Republic.

The new government pledged to reinforce the pillars of democracy including the media, which were harassed under Robert Mugabe.<sup>39</sup> Access to information improved, self-censorship partially declined, but journalists are still often attacked or arrested. At the start of 2019, social media was shut down following major protests against a fuel price hike.<sup>40</sup> Based on Freedom on the Net, a Freedom House's annual survey and analysis of internet freedom around the world, Zimbabwe remains partially free. It reached its highest of 47 percent in 2018 following changes in government. Freedom on the net has remained below 50 meaning access to information is limited due to self-censorship. The report is based on analysis of obstacles to access information, limits on content and violations of user rights on the internet in 88 percent of the global internet population. Scores are based on a scale of 0 (least free) to 100 (most free).<sup>41</sup>

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<sup>36</sup> X. Ncube. 2018. ED Threatens to Deregister NGOs. News Day. <https://www.newsday.co.zw/2018/12/ed-threatens-to-de-registerngos/>

<sup>37</sup>E. Ntali. 2021. Zimbabwe: Muguti NGO Threats - Civil Society Regroups. Available at: <https://allafrica.com/stories/202107020793.html>

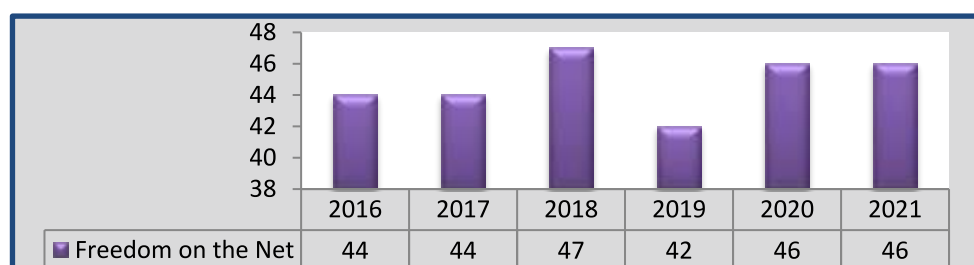
<sup>38</sup> Available at: <https://freedomhouse.org/country/zimbabwe/freedom-world/2020>

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> <https://freedomhouse.org/report/freedom-net>

Graph 4 Freedom on the Net Ranking, 2016 to 2021



### Authors

The table below shows how two key universal indicators of state-citizen relations have played out so far.

Table 3 State Citizen Relations

Universal Indicator	Government's Promises	Deliverables	Performance
<b>1. Participation and Accountability</b> a. National Healing b. Civil Society c. Political participation d. Electoral System e. Effectiveness of Parliament	Ensuring the NPRC is fully capacitated to execute its constitutional mandate and deal with pre and post-independence era conflict issues in order to achieve national healing and national consensus building <sup>42</sup>	<b>a. National Healing</b>  The National Peace and Reconciliation Commission committed to four strategic areas of work: to initiate inclusive healing, to facilitate the enhancement of policy frameworks, to strengthen the peace architecture as a catalyst for conflict prevention and transformation, and to enhance	<b><u>Positive Change:</u></b>  Key Legislative frameworks which give impetus to the work of the NPRC were passed into law in 2018; NPRC (Chapter 10:32) No. 11 of 2017, NPRC Regulations, 2018 (Statutory Instrument 90 of 2018)  Establishment of NPRC Committees (2019)  Establishment of Provincial Peace Committees inclusive of political parties represented in parliament (2019)  <b><u>No Change:</u></b>  Despite the progress in its institutionalisation, the NPRC is yet to fully implement any of its set goals  The NPRC remains underfunded and ineffective <sup>44</sup>  <b><u>Negative Change:</u></b>  The appointment of commissioners to the NPRC in May of 2020 was largely viewed as political and the commission's independence remains highly questionable.

<sup>42</sup> ZANU PF Manifesto (2018) Ch. 7 <https://t792ae.c2.acecdn.net/wp-content/uploads/2018/05/ZANU-PF-MANIFESTO-SUMMARY.pdf>

<sup>44</sup> Underfunded

		<p>the national capacity to peace and reconciliation<sup>43</sup></p>	<p>Attacks on civic groups advocating for National Healing is also an indicator of the failure of the commission to prevent non recurrence and to foster dialogue. On 25 May 2021, a plaque that was unveiled at Bhalagwe mass grave site was vandalised in one of many incidents that have undermined national efforts to realise peace, reconciliation and healing</p>
	<p>A truly democratic state that respects the Rule of Law, Property Rights and has an independent and dependable judiciary<sup>45</sup></p>	<p><b>b. Civil and Political Rights</b> Government to work with all stakeholders to in the implementation of governance reforms, inclusive of political parties, and civil society, among others, under the auspices of the Nation's people driven constitution<sup>46</sup></p>	<p><b><u>Negative Change:</u></b> A high number of systematic and escalating violations of human rights particularly targeting opposition members and civic actors such as journalists, MDC Alliance members, Student leaders, Trade Unionists by security forces were recorded over the course of the period under review. In 2018-2019, extra-judicial killings of 17 people, 17 rapes and sexual assault, 26 cases of abduction, 80 gun related injuries, 586, cases of assault and torture, and 954 cases of arbitrary arrests were recorded<sup>47</sup>. In 2020-21 70 civic and political activists were abducted and tortured. 2021 also recorded a high number of arrests of government critics and continued judicial harassments<sup>48</sup>  In addition to the state-sponsored violent clampdown that has shrunk civic space in Zimbabwe, threats to curtail the operations of</p>

<sup>43</sup> NPRC 5 Year Strategic Plan/2018-2022

<sup>45</sup> ZANU PF Manifesto, (2018) <https://t792ae.c2.acecdn.net/wp-content/uploads/2018/05/ZANU-PF-MANIFESTO-SUMMARY.pdf>

<sup>46</sup> Transitional Stabilization Program Part VII/1747

<sup>47</sup> Zimbabwe Human Rights NGO Forum, State of Human Rights Report 2019

<sup>48</sup> 2021 Violations

			CSOs are evidence of the regression of democracy and a departure from the government's promise.
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## 4.0 Governance as Public Service Delivery

### 4.1 Education

Section 75 of the constitution, accord every citizen and permanent resident of Zimbabwe the right to a basic State-funded education, including adult basic education; and further education. The state, through reasonable legislative and other measures, is tasked to make it progressively available and accessible. However, failure by the government to issue Identity Documents (IDs) particularly for school going children due to sit for their final examinations in 2021 caused by shortage of consumables, risked the future of young scholars into uncertainty.<sup>49</sup> An Amnesty International Report for 2021 has also shown that migrant children face educational challenges because of their failure to access birth certificates and national IDs.<sup>50</sup> These children are Zimbabweans by birth and are forced to drop out at school because they cannot register for their examinations. More so, children continued to be deprived of their educational right as the tussle between teachers and the government over wages continued. In January 2020, schools reopened but teachers embarked on a nationwide strike citing incapacitation.<sup>51</sup> The failure by the government to resolve this issue in a timely manner had severe impacts on the educational rights as enshrined in the constitution.

### 4.2 Public health

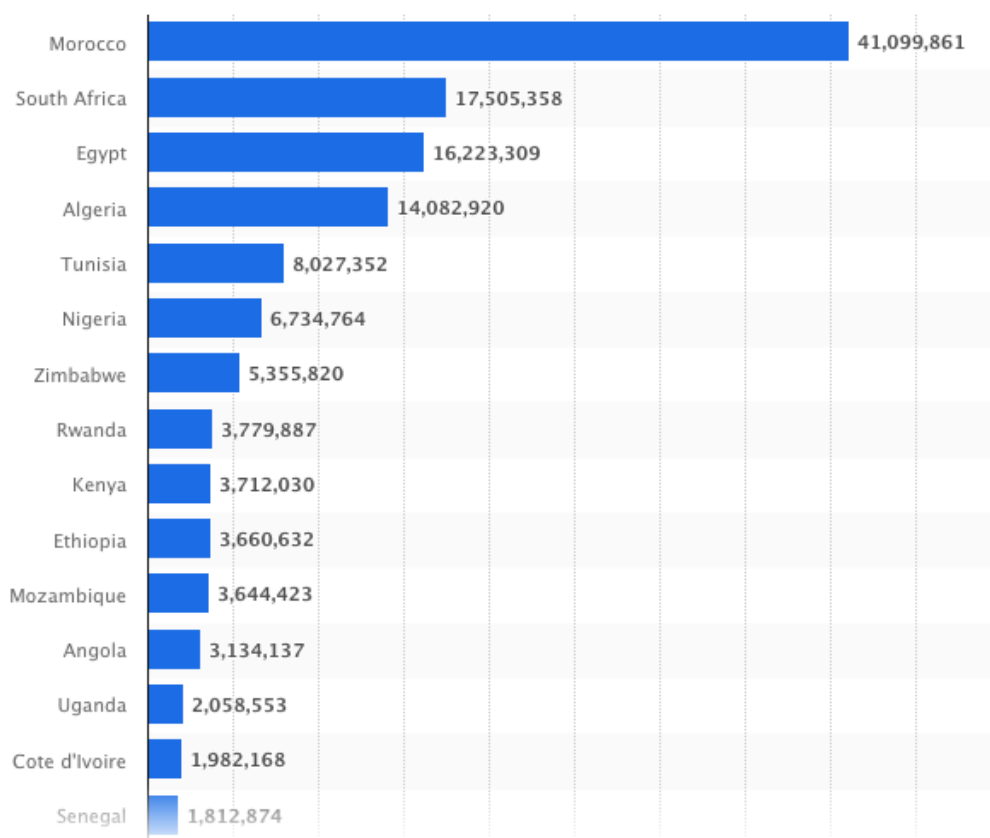
Every citizen and permanent resident of Zimbabwe has the right to have access to basic health and reproductive health care services under section 76 of the constitution. However, continuous chronic drug shortages, health personnel strikes and the Covid 19 pandemic has made the provision of adequate health care difficult under the Second Republic. It is important to note that in terms of vaccination response plan, the government has managed to score positively against all odds. Zimbabwe has managed to be amongst the top performing African countries that have vaccinated a high number of its citizens' per capita. The graph from Statistica overleaf illustrates this point.

<sup>49</sup> C. Nkomo. 2021. Government Suspends IDs Application Exercise For Exam Pupils. *New Zimbabwe*. Available at: <https://www.newzimbabwe.com/govt-suspends-ids-application-exercise-for-exam-pupils/> (Accessed on 22 September 2021).

<sup>50</sup> Amnesty International. 2020. 'We are like 'Stray Animals'; Thousands Living on the Margins Due to Statelessness in Zimbabwe, Report, April 2021. Available at <https://www.amnesty.org/en/latest/press-release/2021/04/zimbabwe-statelessness-crisis-traps-hundreds-of-thousands-in-limbo/> (Accessed on 19 September 2021).

<sup>51</sup> T. Moyo. 2020. Zimbabwe: Millions now denied a right to education, *Maverick Citizen*. OP-ED. Available at: <https://www.dailymaverick.co.za/article/2020-12-06-zimbabwe-millions-now-denied-a-right-to-education/> (Accessed on 15 September 2021).

**Graph 5: Number of COVID-19 vaccination doses administered in Africa as of September 30, 2021, by country**



**Source: Statista 2021.**

However, the positive scores on the Covid 19 responses have been marred by lack of transparency and accountability in the procurement of vaccines<sup>52</sup> as well as the use of Covid-19 protocols and measures to muzzle democratic space.<sup>53</sup> Covid-19 in particular, has exposed the weakness and incapacitation in the health sector. At the beginning of the pandemic, Parirenyatwa Hospital was refurbished with 300 beds and piped oxygen, but it turned away many patients because it only had enough staff to support the use of 30 beds.<sup>54</sup> In cases where patients were not turned away, the treatment delays were long that a lot of people were either dying or being disabled because they got attention late. Tender irregularities and public procurement corruption has seen many hospital administrators including the former Minister of Health, Obadiah Moyo being implicated and their cases not

<sup>52</sup> M. Taruvinga. 2020. Zimbabwe’s Covid-19 fight hamstrung by corruption. Available at: <https://www.ctvnews.ca/health/coronavirus/zimbabwe-s-covid-19-fight-hamstrung-by-corruption-1.5357057> .

See also Transparency International Zimbabwe. 2020. Zimbabwe’s deadly duo: Covid-19 & Corruption. Available at: <https://www.transparency.org/en/blog/zimbabwes-deadly-duo-covid-19-and-corruption> .

<sup>53</sup> T.C. Chirimambowa. 2020. Covid-19 and the future of democracy in Zimbabwe. Available at:

<https://www.theelephant.info/features/2020/07/11/covid-19-and-the-future-of-democracy-in-zimbabwe/>

<sup>54</sup>M. Makoni. 2020. COVID-19 worsens Zimbabwe’s Health Crisis, World Report, Vol., 396. [www.thelancet.com](http://www.thelancet.com)



being selectively prosecuted. These challenges continue to limit the quality of public health provided.

Notable positive progress has been observed for Zimbabwe in the on going vaccination program against Covid-19 compared to regional peers. About 5.36 million people, 20.5 % of population had been vaccinated by the 1<sup>st</sup> of October 2021.<sup>55</sup> This figure places Zimbabwe Second behind South Africa and above Botswana and Nigeria.

### 4.3 Local governance

Chapter 14 of the Constitution provides for the devolution of power to the country's nine provinces from the national government. In reality, local authority's ability to execute functions continues to be limited because their powers remain subject to the provisions of other national legislation and by the direct interference in council affairs by either central government or the Minister through ministerial circulars.<sup>56</sup> A case in point is when the Ministry of National Housing and Social Amenities on September 13 2021 flighted a domestic tender for the construction of 20x3 roomed houses in Binga, with instructions that bids should be delivered by hand in Harare.<sup>57</sup> This means the local authority has no control over the project being implemented in their area. In addition, bidders from Binga have to travel 800km to submit their bids in Harare. The continued centralisation of daily governmental powers resembles a crisis over control over resources. Those with power want to maintain the status quo, whereas those who lack power and resources sought to have more power and influence a greater share of resources (Mungwari. 2019).<sup>58</sup> The continued meddling in the running of local authorities by the government has seen the crippling local authorities and resultantly the stifling of service delivery. The continued barring of the Mayor of Harare from resumption of duties by the Ministry of Local government continues a trail of pattern that had characterised local governance in the first republic.

## 5.0 Verdict: Plus ca Change

In as much as the "Second Republic" or "New Dispensation" came promising wide ranging reforms of the country's politics and governance mode, the evidence at hand point to more talk and less action. In fact, there has been democratic regression and increasing reliance on crude authoritarianism in the exercises of public power. There has not been much difference between the first and second republic and therefore, leading us to French writer, Jean Baptiste Alphonse Karr famous quote "*The more things change, the more they remain the same*".

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<sup>55</sup> Available at <https://ourworldindata.org/covid-vaccinations?country=BWA~NGA~ZAF~ZWE>

<sup>56</sup> Action Aid. 2014. The Dynamics of Devolution in Zimbabwe A Briefing Paper on Local Democracy. Available at: [https://www.ms.dk/sites/default/files/udgivelses/zimbabwe\\_report\\_2014\\_finale\\_lav.pdf](https://www.ms.dk/sites/default/files/udgivelses/zimbabwe_report_2014_finale_lav.pdf)

<sup>58</sup> T. Mungwari. 2019. The Politics of State Capture in Zimbabwe. *International Journal of Research and Innovation in Social Science*.

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