

A Crisis in Zimbabwe Coalition  
Publication



# CRISIS, DIALOGUE & TRANSITION IN ZIMBABWE: **QUO VADIS ZIM?**



<https://www.crisiszim.org/>

JANUARY 2021

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## Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>1.0 Introduction.....</b>	<b>3</b>
<b>2.0 The Voices of Key Stakeholders .....</b>	<b>3</b>
2.1 Political parties' perspectives on the 'Crisis in Zimbabwe'.....	3
2.2 Civil society perspectives on the 'Zimbabwe Crisis'.....	4
2.3 Regional perspectives on the 'Zimbabwe Crisis'. ....	5
<b>3.0 Reconciling the diametrically opposed 'Zimbabwean Poles' .....</b>	<b>6</b>
<b>4.0 Teasing out the contours of the 'Zimbabwe Crisis'. ....</b>	<b>7</b>
4.1 Land and Agrarian Question.....	8
4.2 Resource Governance .....	9
4.3 National Public Debt.....	9
4.4 Informal Economy.....	10
4.5 Marginalisation .....	10
4.6 Race and belonging .....	10
4.7 Ethnicity and belonging .....	11
4.8 Diaspora and belonging.....	11
4.9 Military-civil relations.....	12
4.10 Rule of Law .....	12
4.11 Constitutionalism.....	13
4.12 Judicial Independence.....	13
4.13 Daily Governance.....	14
<b>5.0 Moving Forward. ....</b>	<b>14</b>



## EXECUTIVE SUMMARY

This paper critically analyses the 'Zimbabwean crisis' and how this has impacted its transition politics. The paper takes a historic approach that goes back to 1980, looking at the various epochs mapping the contours of conflict and teasing out the attempts made at addressing the emerging fault lines. The adopts Moore (2003) work on 'triple crisis of primitive accumulation, nation state formation and democratisation'<sup>1</sup> to problematise transition politics in Zimbabwe and explain what could be the missing link.

The paper makes the following observations:

1. There are three key moments in Zimbabwe's transition debate: The 1979 Lancaster talks; 1987 Unity Accord and 2008 Global Political Agreement.

2. Zimbabwe has experienced repeated bouts of failed transitions which revolve around three key questions: **'primitive accumulation'**-how wealth is produced and distributed in society-, **national-state formation**-the process by which national identity, belonging and cohesion is built-, **democratisation**-process by which power is distributed and exercised in society

These three questions are further broken into thirteen sub questions and the paper discusses how they inform and shape Zimbabwe's transition politics.

3. This means Zimbabwe's crisis multi-dimensional and not a single cause narrative, and to resolve it entails simultaneously tackling these three facets.

4. Zimbabwe's major parties, Zimbabwe African National Union- Patriotic Front (ZANU- PF) and Movement for Democratic Change Alliance (MDC-A) on the causes of the Zimbabwe crisis.

ZANU- PF lays the blame on Western imposed sanctions.

MDCA lays the blame on the unresolved electoral legitimacy question.

All these positions by the major parties are limited narratives.

5. There is consensus with civil society that there is a crippling political and economic crisis in Zimbabwe and dialogue is the most viable route to resolve this crisis, but it needs to be broadened beyond political parties.

6. Past processes of dialogue have failed because of elite arrangements that focussed on the narrow interests of political party elites and not addressing the fundamental fault lines of conflict in society

7. There is an emerging shift in policy direction within SADC, especially in South Africa, as there is an emerging consensus there is a crisis in Zimbabwe, and the region has to find solutions and act on it.

8. Ultimately, the paper argues that at the heart of the Zimbabwean crisis lies an emerging nationalistic military business and political class that has been attempting to grow its tentacles in all sectors of society.

Most of the dialogue processes that have happened in Zimbabwe have missed 'the military factor' in resolving the political and economic impasse leading to repeating bouts of botched transitions.

9. To resolve Zimbabwe's transition challenges, the paper proposes two solutions:

Civil society to initiate and implement a process of citizen's dialogue series on how to resolve the identified three spheres and sub-spheres of conflict, but using the 2013 Constitution as the point of departure.

There is the need to initiate a political process that engages the emerging military business-politico elite to come up with a political settlement with the objective of demilitarising public affairs.

10. SADC provides the most viable option to address this militarisation of Zimbabwe's body politic. Whilst there are suggestions on the possibility of engaging the United Nations to resolve the transition challenges in Zimbabwe, this is most like likely to falter due to the politics of the UN Security Council.

11. Finally, civil society needs to take advantage of the emerging consensus within SADC that there is a crisis in Zimbabwe, and the invitation to come up with practical by South Africa's Department of International Relations and Cooperation (DIRCO) Minister, Naledi Pandor.

<sup>1</sup> Moore, D., 2003. Zimbabwe's triple crisis: Primitive accumulation, nation-state formation and democratization in the age of neo-liberal globalization. *African Studies Quarterly*, 7(2), p. 35.

## 1.0 INTRODUCTION

Zimbabwe has been under perpetual warring by the major political players since independence on how to resolve the national question. This conflict has broadly defined the history and nature of transition that has been taking place in the country. There are three key moments that inform the transition debate in Zimbabwe: The 1979 Lancaster House Agreement, the 1987 Unity Accord and the 2008 Global Political Agreement. The three periods set the broad parameters in which transition politics and dynamics have been playing out. The transition in Zimbabwe has been layered and entangled, thus creating confusions, twists and turns.<sup>2</sup> As such, an analysis of the current crisis that the country is facing requires a multi-dimensional approach that encompasses various issues that have affected the country thus far. One consistent exception to the single issue or sequential issues approach has been provided by David Moore: who has considered the implications of the triple effects of 'primitive accumulation'-how wealth is produced and distributed in society-, national-state formation-the process by which national identity, belonging and cohesion is built-, democratisation-process by which power is distributed and exercised in society (2003). This paper will use this approach to analyse the nature of points of contestations illuminate on Zimbabwe's transition politics. The paper argues that at the heart of the Zimbabwean crisis lies an emerging nationalistic military business and political class that has been attempting to grow its tentacles in all sectors of society. Most of the dialogue processes that have happened in Zimbabwe have missed 'the military factor' in resolving the political and economic impasse leading to repeating bouts of botched transitions. This paper further maps and teases out the contours of conflicts and transition in Zimbabwe. Finally, it proposes that to resolve the crisis in Zimbabwe, two imperatives beckon. Firstly, there is need to resolve points of contestations within Zimbabwe's triple crisis of primitive accumulation, nation-state formation and democratisation. Secondly, there is need for political process that engages the military with the objective of demilitarising public affairs.

## 2.0 THE VOICES OF KEY STAKEHOLDERS

### 2.1 Political parties' perspectives on the 'Crisis in Zimbabwe'.

The question of whether Zimbabwe is in a crisis or not has been at the center of resolving the political and economic impasse within the country. There has been conflicting interpretations from key actors in Zimbabwe's body politic on whether the country is in a crisis or not. The main warring actors at the center of Zimbabwe's crisis are the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and its constituent elements (read the Zimbabwe Defence Forces) pitted against Movement for Democratic Change-Alliance (MDC-Alliance) and its constituent elements (read democracy, rights and governance civil society). The definition of the 'Zimbabwe Crisis' has been dominated by political dimensions stemming from the unresolved electoral contestations pitting the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF) versus the opposition Movement for Democratic Alliance<sup>3</sup>.

The ZANU-PF has consistently argued that there is no crisis in Zimbabwe and in one of the press statements issued after meeting with the African National Congress (ANC) delegation, Patrick Chinamasa, Secretary for Legal Affairs in the Politburo had this to say; "There is no crisis in Zim or SA or Africa, but only challenges. We have challenges of Cyclone Idai and Covid-19..."<sup>4</sup> It is clear from Mr Chinamasa's statement that ZANU-PF is unwilling to escalate, the Zimbabwe issue to a crisis level but only characterises it as challenges. This position is not new in ZANU-PF's tactics and strategy but has been consistent since independence as acknowledgment of a crisis would mean presenting opportunities for mediation or foreign

<sup>2</sup> T. Mkandawire, Zimbabwe's transition overload: an interpretation, Journal of Contemporary African Studies, 2020, p. 2.

<sup>3</sup> The paper takes note of the various formations of this MDC and ongoing tussles between the Nelson Chamisa led MDC versus Thokozani Khupe led MDC. However, for the purposes of this paper, the MDC cited above refers to the Nelson Chamisa as the 2018 elections results showed that it is the counter hegemony to the ruling party, ZANU-PF.

<sup>4</sup> Tafirenyika, M. 2020. ZANU-PF at risk of incurring SA wrath...as Chinamasa claims that Pretoria is controlled by whites. The Dailynews. Available at: <https://dailynews.co.zw/zanu-pf-at-risk-of-incurring-sa-wrath-as-chinamasa-claims-that-pretoria-is-controlled-by-whites/>



intervention. Moyo (2020:2)<sup>5</sup> surmises the position and strategy of the ruling party, "...as a rule, officialdom in Zimbabwe never acknowledges any crisis" because "...'crisis' is a bad word in ZDF and Zanu-PF circles. It is something that other countries experience, but not Zimbabwe under ZDF and Zanu-PF"<sup>6</sup>. In addition, President Mnangagwa has established the Political Actors' Dialogue (POLAD) platform arguing that any form of dialogue will have to be within the ambits and framework of POLAD. This position has also been adopted by the ZANU-PF and becoming the official line of both the ruling party and government. More specifically, the words of the ZANU-PF Acting Spokesperson, Mr Chinamasa are revealing:

We dismiss the demand by Mr Chamisa and his political grouping in which he is insisting on a one-on-one dialogue with President Mnangagwa exclusive of other players...We take this opportunity to remind him that at the inception of this ongoing dialogue, President Mnangagwa has been on record saying that any political players willing to join the dialogue process are welcome to do so at any given time of their choice because dialogue is a continuous process<sup>7</sup>.

In essence, for the ruling party and government attempts at national dialogue outside the POLAD platforms are considered a futile process. This position sharply contrasts that of the MDC-Alliance, the party that came second to ZANU-PF in the 31<sup>st</sup> of July 2018 harmonised elections.

The MDC-A has consistently argued that the crisis in Zimbabwe is a result of an unresolved electoral legitimacy of the Presidency. A statement by the MDC-A Secretary General, Mr. Hwende surmises the party position:

The MDC Alliance Congress and National Council resolutions on the illegitimacy of Emmerson Mnangagwa remains unchanged and as such continues to guide the conduct of all party organs including our Parliament caucus...Our MPs and the party leadership in Parliament will therefore be guided by these 4 resolutions and continue not to recognise an illegitimate Mnangagwa who lost the 2018 election to President Nelson Chamisa<sup>8</sup>.

It is clear that the contention of the MDC-A stems on the disagreements over the results of the presidential elections rather than the parliamentary and local government elections despite that there have been electoral petitions at these other levels<sup>9</sup>. To resolve the political and economic crisis in Zimbabwe, the MDC proposes a dialogue to resolve the 2018 elections deadlock despite the Constitutional Court having ruled that President Mnangagwa was legitimately elected. The MDC-A President, Nelson Chamisa argues that for any dialogue to take place the legitimacy of the presidency should be put on the table, a position ZANU-PF and President Mnangagwa do not agree with as they are of the view that was resolved by the Constitutional Court ruling and now water under the bridge. The MDC-A and ZANU-PF have remained entrenched in their positions regarding dialogue. In addition, the MDC-A has dismissed POLAD on the basis that it brings 'election losers to the table and President Mnangagwa cannot be the facilitator'<sup>10</sup>. It is important to note, the Movement for Democratic Change-Tsvangirayi (MDC-T), National Constitutional Assembly (NCA) and the other twenty parties within the POLAD platform recognise President Mnangagwa's legitimacy. Therefore, this reduces the tussle of electoral legitimacy to a grind between the MDC-A and ZANU PF. It is also, important to note that the preferred routes by both the MDC-A and ZANU-PF are political party driven and exclusive of civil society.

## 2.2 CIVIL SOCIETY PERSPECTIVES ON THE 'ZIMBABWE CRISIS'

There is consensus within civil society that the country is in a crippling political and economic crisis and dialogue is the only way to resolve the 'Zimbabwe crisis'. The civil

<sup>5</sup> Moyo, J., 2020. Unpacking the crisis in Zimbabwe: Who is who and what is what? CITE Public Lecture....

<sup>6</sup> Ibid:3

<sup>7</sup> Bulawayo 24, ZANU-PF dismisses calls for dialogue outside POLAD. Available at:

<https://bulawayo24.com/index-id-opinion-sc-columnist-byo-187535.html>

<sup>8</sup> Ndlovu, M. MDC Alliance statement on Mnangagwa legitimacy. Bulawayo 24. Available at:

<https://bulawayo24.com/index-id-news-sc-national-byo-188960.html>

<sup>9</sup> See, parliamentary elections and local government elections.

<sup>10</sup> See New Zimbabwe. MDC in dialogue u-turn, dumps demands for meeting with ZANU-PF only. Available at:

<https://www.newzimbabwe.com/mdc-in-dialogue-u-turn-dumps-demands-for-meeting-with-zanu-pf-only/>

society in Zimbabwe argues that dialogue needs to be broad based and go beyond political parties a position that The Crisis in Zimbabwe Coalition (CiZC) aptly put:

We reiterate that our envisaged national dialogue should be a reform process that seeks to safeguard the interest of citizens by restoring the Social Contract between the citizens and those that govern...In this regard, we hold the firm view that the national dialogue process must never be restricted to political parties but should rather bring on board a cross section of stakeholders that include civic society, labour, women, youth, person living disabilities, farmers, media, students, the diaspora, religious groups and business among other critical stakeholders<sup>11</sup>.

The sentiments for a broad based route to dialogue are also corroborated by an empirical research conducted by the Alliance for Community Based Organisations (ACBOS) which concluded that, "In as much as the nature of crisis is perceived to be political, communities anticipate the dialogue to go beyond the political question and address the socio-economic questions of access to basic services and livelihood opportunities"<sup>12</sup>. The same research went on to further argue, "Whilst political parties are crucial actors, communities are of the view that there is need to broaden any dialogue to include other societal actors, such as civil society, churches and business"<sup>13</sup>. The Zimbabwe Heads of Christian Denominations (ZHOCD) Council also weighed in and proposes a moratorium on elections for seven (7) years; to address political and economic reforms in the country:

It is in this light that the church leaders are proposing a national seven-year Sabbath period for the purposes of establishing an emergency recovery mechanism to address the dire national situation, especially for the most vulnerable communities, rebuilding trust and confidence by healing all the hurts of the past, developing a shared national reform agenda to deepen our democracy and establishing a shared and inclusive national economic vision<sup>14</sup>

The reasoning of the church is that elections have been held under toxic environment, thus the need for a cooling off period whilst reforms are being undertaken. In its submissions the church has spoken of the need for a transitional authority, whose exact structure will have to be determined via a consultative process. Whilst the merits of this route maybe debatable, it brings into question the polarity in Zimbabwe's body politic and how it may possibly be resolved. The Platform for Concerned Citizens has also made similar calls, arguing for a National Transitional Authority (NTA) to be instituted with the mandate to spearhead political and economic reforms before any elections are held. In fact, the PCC argued, "So surely the answer is staring everyone in the face? Demand an NTA, refuse to go to elections without an NTA first and foremost, and do Zimbabwe a favour and pre-empt both the collapse of the economy and another illegitimate election"<sup>15</sup>. From the civil society submissions three things stand out: dialogue needs to be broadened beyond political parties; political parties have strong and entrenched interests in the dialogue; past processes of dialogue have failed because they focussed on elite arrangements.

### 2.3 REGIONAL PERSPECTIVES ON THE 'ZIMBABWE CRISIS'.

In 2008, President Mbeki became famous for his statement "I would not describe that as a crisis. It is a normal election process, according to the laws of Zimbabwe."<sup>16</sup> This was after the Zimbabwe Electoral Commission had gone for more than three weeks failing to release the presidential elections results. The statement became symbolic of the Southern African region's stance on Zimbabwe, especially where former liberation movements are in power. Generally, there has been avoidance of clearly calling events in Zimbabwe a political crisis

<sup>11</sup> CiZC. Zimbabwe's national dialogue must never be restricted to political parties. The Zimbabwean. Available at: <https://www.thezimbabwean.co/2019/02/zimbabwes-national-dialogue-must-never-be-restricted-to-political-parties/>

<sup>12</sup> ACBOS. 2020. Main actors, demystifying the politics and 'Voices from below': A citizen's' perspective on dialogue in Zimbabwe.

<sup>13</sup> Ibid.

<sup>14</sup> F, Matiashe. Suspend polls for 7 years: Churches. Newsday. Available at: <https://www.newsday.co.zw/2019/10/suspend-polls-for-7-years-churches/>

<sup>15</sup> I, Mandaza and T, Reeler. Looking for keys under streetlights. Available at: [https://docs.google.com/document/d/1laZmMCphA56-hLfZSX3xpnXHgLRw0fF7yNNhnxOD\\_s/edit?fbclid=IwAR3bedaSo\\_GmJzv6NHTiwnZVjt1x\\_VPQNctUPzdujTyvYZNb3QjQIUso\\_2w](https://docs.google.com/document/d/1laZmMCphA56-hLfZSX3xpnXHgLRw0fF7yNNhnxOD_s/edit?fbclid=IwAR3bedaSo_GmJzv6NHTiwnZVjt1x_VPQNctUPzdujTyvYZNb3QjQIUso_2w)

<sup>16</sup> J, Sithole. Anger at Mbeki's "No" crisis comment. Zimbabwe Crisis Report, Issue 28. April 2008. Available at: <https://www.refworld.org/pdfid/49671d9b0.pdf>

and preferring 'quiet diplomacy'<sup>17</sup> by the Southern African region. The Zimbabwe government has on the other hand actively sought to build regional solidarity and alliance built around former liberation movements in a bid to thwart off any censure for its human rights abuses within the country. However, of late, there are growing calls from the region to address the crisis in Zimbabwe. The most fundamental shift has been the public acknowledgments by senior officials from the African National Congress (ANC) and South African Government that there is a crisis in Zimbabwe and it needs to be resolved. The most poignant comment came from Lindiwe Zulu, the Chairperson of the ANC International Relations Committee:

We have already said it from an ANC point of view that there is a crisis in Zimbabwe that needs us from a party political angle as the liberation movement ANC plus Zanu PF liberation movement. It's important for us to engage each other and go back to what has been happening in the past and how we got to where we are right now and then be honest and frank about what we need to do to help the situation. Zimbabwe is our neighbour, we cannot close our ears and eyes to that ... What we think should be done is for both parties to be frank with each other about what is happening in Zimbabwe and we take it from there."<sup>18</sup>

This public acknowledgement is a departure from the usual tradition where, the ANC or officials of the South African government have always avoided public censure of Zimbabwe. The statement shows a growing uneasiness with political developments in Zimbabwe which are presumably becoming a domestic policy in South Africa. Dr Blade Nzimande<sup>19</sup>, South Africa's Higher and Tertiary Education Minister, also weighed in:

The assertions that there is no crisis in Zimbabwe are nothing but a denial of the self-evident truth. In fact, you don't even have to go to Zimbabwe to see the crisis, you only have to go to our own informal settlements in South Africa to see how many Zimbabweans have had to come to South Africa in order to make a living.<sup>20</sup>

In essence, this shows a major policy direction shift in Zimbabwe's major trading partner and also a country believed to have much sway and influence on Zimbabwe and SADC.

### 3.0 RECONCILING THE DIAMETRICALLY OPPOSED 'ZIMBABWEAN POLES'

The Government of Zimbabwe (GoZ) continues to argue that the problems in Zimbabwe are because of sanctions. On the 25<sup>th</sup> of October 2019, a day earmarked for sanctions, addressing an anti-sanctions rally, President Mnangagwa remarked that, "Every part and sector of our economy has been affected by these sanctions like a cancer,"..."Enough is enough, remove them. Remove these sanctions now!"<sup>21</sup> This position sharply contrasts with that of the main opposition, the MDC who attribute the crisis to governance. To be more precise, the MDC-Alliance Vice President, Tendai Biti observes that:

There is a crisis, but it is political. So we need to resolve the political crisis before we move on to other issues. There has to be dialogue to discuss the issue of legitimacy. There has to be dialogue to resolve the requisite structural political, social and economic reforms that are required. If we resolve the political dispute in Zimbabwe

<sup>17</sup> Quiet diplomacy has been used to describe the foreign policy response to the Zimbabwe crisis which preferred not to publicly or outrightly condemn the Zimbabwe government on the human rights situation in the country. For more detailed explanation of the concept see Graham, V. (2006). How firm the handshake? South Africa's use of quiet diplomacy in Zimbabwe from 1999 to 2006. *African security studies*, 15(4), 113-127 and Adelman, M. (2004). Quiet diplomacy: the reasons behind Mbeki's Zimbabwe policy. *Africa Spectrum*, 249-276.

<sup>18</sup> G, Dube. ANC: Africans should resolve Zimbabwe political crisis. Voice of America New. Available at: <https://www.voazimbabwe.com/a/zimbabwe-african-national-congress-anc-political-crisis/5541035.html>

<sup>19</sup> He is also the Secretary General of the South African Communist Party, a member of the ruling tripartite alliance, which include the Congress of South Africa Trade Unions (COSATU) and ANC.

<sup>20</sup> V, Mokhoali. SACP: Evidence of Zimbabwe crisis can be seen in SA's informal settlements. Eyewitness News. Available at: <https://ewn.co.za/2020/09/14/sACP-evidence-of-zimbabwe-crisis-can-be-seen-in-sa-s-informal-settlements>

<sup>21</sup> M, Dzirutwe. Zimbabwe's President says Western sanctions a 'cancer' eating the economy. Reuters. Available at: <https://www.reuters.com/article/us-zimbabwe-politics-idUSKBN1X41AC>



we would have resolved sixty percent (60%) of the problem. Yes, there is a crisis. There is a pending implosion...<sup>22</sup>

The positions from Zimbabwe's major political parties indicating the two diametrical opposed views on the causes of the crisis, creating a complex situation in reconciling these two sides that have been warring for the past two decades. Adding further complexity to the crisis has been the position taken by SADC that almost reduces the crisis in Zimbabwe to a result of sanctions and making the 25<sup>th</sup> of October an anti-sanctions day. However, a much more robust position that seeks to reconcile the two diametrical poles was proffered by South Africa's Department of International Relations and Cooperation (DIRCO) Minister Naledi Pandor. In 2020 at University of South Africa (UNISA) lecture on Zimbabwe, she observed, "It seems clear that even as we support the call for an end to economic sanctions, the political dynamics that we observe are inextricably linked to the economic solutions, and thus should be confronted simultaneously."<sup>23</sup> In as much, the crisis in Zimbabwe has been linked to sanctions, Minister Pandor alludes to the primacy of the political dynamics especially the divergent approaches of the different actors in the country. To resolve the Zimbabwe crisis, it would need a common vision as argued by the Minister:

We would be assisted in playing a positive role if there was a shared notion in Zimbabwe of what had to be done. This is important for us because while we work very closely with the government of Zimbabwe, it would be difficult for us to be seen as only working with the government.<sup>24</sup>

Therefore, to address the Zimbabwe crisis, there is need to look beyond government actors alone. In fact, the calls by Minister Pandor at the same lecture cited above for 'practical steps or solutions' to resolve the Zimbabwe crisis is instructive. However, to be able to do so would mean appreciating the nature of the crisis in Zimbabwe and the contending forces driving it.

#### 4.0 TEASING OUT THE CONTOURS OF THE 'ZIMBABWE CRISIS'.

The contours of the Zimbabwe crisis have largely revolved around the resolution of three key questions: Primitive accumulation-how wealth is produced and redistributed in society-; nation-state formation-the processes by which various state actors and social classes interact to create one society with common values and principles-; and democratisation-how power is diffused to more social groups and (ideally) come to be exercised in mutually agreeable modes of representation and conflict resolution<sup>25</sup>. This means to resolve the Zimbabwe crisis there is a need to tackle these three facets simultaneously and avoid a single cause approach to get Zimbabwe working. Within each of these three stands lies key actors and interests that have been defining transition politics and attempts to broker a solution. This approach resonates with Mkandawire (2020:1)<sup>26</sup> who first observes that Zimbabwe has 'underwent multiple and incomplete transitions' and thus it becomes misleading to lay blame to sanctions only or the failure of good governance. Therefore, Mkandawire (2020:15-16) poignantly argues, "From this axiom, we can argue that the usual focus on one or two instruments (good governance, property rights or land reform) to address the multiple items on the political agenda of post-colonial Zimbabwe rather misses the point"<sup>27</sup>. Moyo (2020) also identifies the multiple causes of the Zimbabwe crisis, which he locates to be around six unresolved questions: the national question; the economic question; the equity question; the law and order question; the sovereignty question and fundamentally important consent question.<sup>28</sup> In addition, Mkandawire 2020 locates the causes of the crisis in five transitions:

<sup>22</sup> Africa Center for Strategic Studies. Solving the Crisis in Zimbabwe: A Conversation with Tendai Biti. Available at: <https://www.youtube.com/watch?v=ox2AWIsSHmQ>

<sup>23</sup> Feketha., S. 2020. Political hostility dogs Zimbabwe, says Pandor. IOL. Available at: <https://www.iol.co.za/news/politics/political-hostility-dogs-zimbabwe-says-pandor-37445924>

<sup>24</sup> Feketha (Ibid).

<sup>25</sup> Moore, D., 2003. Zimbabwe's triple crisis: Primitive accumulation, nation-state formation and democratization in the age of neo-liberal globalization. *African Studies Quarterly*, 7(2), p. 35.

<sup>26</sup> Mkandawire, T., 2020. Zimbabwe's transition overload: an interpretation. *Journal of Contemporary African Studies*, p. 1.

<sup>27</sup> Mkandawire, T. 2020, p. 16

<sup>28</sup> Moyo, J. 2020. Zimbabwe's Prospects: Crisis, transition, imperatives and stability. Paper presented at Crisis in Zimbabwe Coalition Zoom Meeting.



Zimbabwe has had at least five transitions: decolonisation; deracialisation of the economy and polity; economic liberalisation and dismantling of sanctions-related control measures; attempts at democratisation; agrarian transformation through radical land reform and corporatist state to economic liberalisation.<sup>29</sup>

Therefore, it can be argued that to resolve, the Zimbabwe crisis, one has to contend with its multiple causal factors that have informed and shaped the various processes of the history of transitional politics within the country. However, for a more nuanced approach this paper proposes to use Moore (2003) 'triple crisis of primitive accumulation, nation state formation and democratisation' for two reasons. Firstly, it provides a structured analysis of the Zimbabwe crisis and thus depolarises issues. Secondly, the observations of Mkandawire (2020) and Moyo (2020) also speak to the three facets that Moore (2003) problematises as the cause of the Zimbabwe crisis and thus makes it easier to attempt to discuss attempts at solutions. To have an in-depth understanding of the nature of the crisis in Zimbabwe, it is important for actors to consider the following sub-spheres of conflict to the Zimbabwean question.

#### 4.1 LAND AND AGRARIAN QUESTION

Colonisation initiated a protracted land struggle in which race, gender; class, ethnicity and nationality have become important sites of contestation.<sup>30</sup> After independence, the issue of land remained a political question and the issue of race has remained central to it.<sup>31</sup> From 1980, the state continued to own land and the dynamics of land ownership meant that most communities have usufruct rights. Around 2000, the state implemented a Fast Track Land Reform Programme (FTLRP) and a significant number of Zimbabweans have been resettled. One hundred and fifty thousand (150 000) households or approximately one million people are claimed to have been resettled<sup>32</sup>. Land reform program became the duty of politicians and these attempts at land reform have failed due to political interference. This created room for corruption as some farms purchased for redistribution were in fact being given to government ministers and other senior officials rather than to the landless peasantry.<sup>33</sup> Most importantly, the land and agrarian transformation being pursued has failed to address two key major issues. The first challenge has been the failure to address the 'exchange value of land'. This has been depicted in the cries of new farmers in failing to access capital as the government's '99 year lease' facility remains an unfinished policy instruments and un-bankable, despite official hype around it in the mainstream media. The net effect of this, has been that agriculture remains underfunded, thus inhibiting growth. Also, connected to this has been various state intervention initiatives to support agriculture that continued to be dogged by questions of corruption and patronage.<sup>34</sup> Secondly, access to land has mainly been determined by political considerations at the expense of resolving tenurial security. Political affiliation and race have been the two factors that has been informing agrarian transformation. The cases of former ZANU -PF top officials, Saviour Kasukuwere, Kudzai Chipanga and Patrick Zhuwao who have been threatened with repossession of farms under the guise of downsizing are some of the indicative cases that land continues to be used as political tool.<sup>35</sup> In addition, expropriation of white-owned farms continues, under the guise of settling the historical land question, despite claims that land reform was declared officially over. This raises questions of who gets what when and how? From the emerging evidence, it is quite clear that political affiliation and race are key considerations and this leaves a out a significant section of Zimbabweans.

<sup>29</sup> Mkandawire (2020:3-4)

<sup>30</sup> M. Chiweshe, Zimbabwe's Land Question in the Context of Large-Scale Land Based Investments, Chinhoyi University of Technology, January 2018.

<sup>31</sup> The Land Question in Zimbabwe Sam Moyo, Harare: SAPES Books, Harare, 1995

<sup>32</sup> Moyo, S. (2011). Three decades of agrarian reform in Zimbabwe. *Journal of Peasant Studies*, 38(3), 493-531; Murisa, T. (2009). An Analysis of Emerging Forms of Social Organisation and Agency in the Aftermath of 'fast Track' Land Reform in Zimbabwe (Doctoral dissertation, Rhodes University).

<sup>33</sup> Human Rights Watch (HRW), World Report 2020, Zimbabwe Events of 2019, <https://www.hrw.org/world-report/2020/country-chapters/zimbabwe>

<sup>34</sup> See Magaisa Big Saturday Read.

<sup>35</sup> Mukaro, A. 2006. Land issue a political tool. *The Independent*. Available at: <https://www.theindependent.co.zw/2006/03/17/land-issue-a-political-tool/>

## 4.2 RESOURCE GOVERNANCE

There is a lack of transparency and accountability in the country's resource management particularly in the extractive sector. This situation has resulted in the state's limited ability to optimize the mineral resource endowments. Citizen participation in mineral resource management has been limited which explains the varying and unresolved conflicts between government, mining companies and the citizens.<sup>36</sup> In addition, there has been securitisation of mining in Zimbabwe as different security agencies have been awarded mining claims or rights. The diamond sector is one case in point where the army and police were involved in questionable mining ventures in Marange. All the 7 companies that have been operating in Marange are reported to have joint-ventures or links with the military as serving or retired military personnel are involved in the management structures<sup>37</sup>. There have been allegations that some of the proceeds of these mining ventures have been used to undermine democratic processes within the country.<sup>38</sup> Therefore Maringira and Masiya argues that this militarisation has:

...facilitated the siphoning of Chiadzwa diamond revenue into the pockets of individual security personnel. The unfolding socio-political crisis in Zimbabwe has also meant that these security personnel have been deployed beyond conflict zones and into traditionally civilian domains, with dire consequences for the public purse.<sup>39</sup>

Currently there is no legal and policy framework for contract transparency in Zimbabwe, and there is no transparency on how mining rights are awarded. This is despite the fact that Section 35(2) (c) of the constitution states that an act of parliament must provide for transparency and accountability. This lack of transparency has led to corruption, tax evasion, illicit financial deals and capital flight which further complicates the already existing problems. The Constitution of Zimbabwe Amendment (No 2) Bill, 2019 has further threatened to undermine the role of parliament as it seeks to bypass the role of parliament as the watchdog of resource extraction.

## 4.3 NATIONAL PUBLIC DEBT

The issue of public debt in Zimbabwe has had multiple crisis chief among them being its impact on the economy and how best to manage public debt. From the 1980s when the country adopted welfare programs in order to cater for the budget constraints, the government resorted to borrowing funds to meet its developmental programs. External public debt has been averaging more than 40 % of GDP since 2000 impacting on economic development in the country. This has contributed to the on-going economic crisis. The major point of contestation with regards to the debt crisis is then how this public debt should be managed and serviced? The Reserve Bank Debt Assumption Bill of 2015 was set out to allow the state to take over the Reserve Bank of Zimbabwe (RBZ) accumulated debt. This has become one of the most polarising issues in the country as conflict has arose on how politically connected individuals have personally benefited and yet at the same time citizens are meant to pay the accrued debt.<sup>40</sup> Others opine that individuals who benefited privately from the debt should pay off the relevant portion of the debt<sup>41</sup>. The second point of

<sup>36</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>.

<sup>37</sup> Chinguno, C.; Mereki, T.; Mutyanda, N.; "Chinese Investments, Marange Diamonds and Militarised capitalism in Zimbabwe". Global Labour University. Available at: <http://column.global-labour-university.org/2015/05/chinese-investments-marange-diamonds.html>

<sup>38</sup> See Ndawana, E., 2020. The military and democratisation in post-Mugabe Zimbabwe. *South African Journal of International Affairs*, 27(2), pp.193-217.; Banerjee, V. and Rich, T.S., 2017. Diamonds and the Crocodile; China's Role in the Zimbabwe Coup. *The Diplomat*, 22.; and Witness, G., 2012. Financing a parallel government: The involvement of the secret police and military in Zimbabwe's Diamond. *Cotton and Property Sectors'*: [www.globalwitness.org/sites/default/files/library/Financing\\_a\\_parallel\\_government\\_Zimbabwe.pdf](http://www.globalwitness.org/sites/default/files/library/Financing_a_parallel_government_Zimbabwe.pdf).

<sup>39</sup> Maringira, G. and Masiya, T., 2016. The security sector and the plunder of Zimbabwe's Chiadzwa alluvial diamonds: the 'goat mentality' in practice. *African Security Review*, 25(4), pp.368-377.

<sup>40</sup> See Crisis Coalition Statement on the Reserve Bank of Zimbabwe (RBZ) Farm Mechanisation Scandal. Available at: <http://kubatana.net/2020/07/21/crisis-coalition-statement-on-the-reserve-bank-of-zimbabwe-rbz-farm-mechanisation-scandal/>; Bhebe, N. Zimbabwe gov't \$1.3bn debt recovery plan dubbed satanic. The Africa Report. Available at: <https://www.theafricareport.com/3908/zimbabwe-govt-1-3bn-debt-recovery-plan-dubbed-satanic/>

<sup>41</sup> See National Assembly Votes and Proceedings, 18th March 2015.; Langa, V. Outcry over MPs' waiver on farm implements. The Zimbabwe Standard. Available at: <https://www.thestandard.co.zw/2015/02/08/outcry-mps-waiver-farm-implements/>

contestation is based on the role of RBZ during the time when these borrowings were made. The Reserve Bank was doubling in quasi-fiscal activities<sup>42</sup>; diverting from its core business, which is really to set the monetary policy and so on.

#### 4.4 INFORMAL ECONOMY

At the advent of independence in 1980, Zimbabwe inherited a relatively small informal economy. The informal economy accounted for less than 10 per cent of the labour force.<sup>43</sup> There has been a reconfiguration of the political and economic situation in Zimbabwe since 2000 FTLRP. Tied to this emerging and evolving political structure has been the reconfiguration of Zimbabwe's economy and the emergence of new forms of actors and resultantly the reconfiguration of state-society relations.<sup>44</sup> The shift has been monumental as it has led to massive 'informalisation of the economy and 'corruption of the political', which is in contrast to the modernist path of development'.<sup>45</sup> The effect of this informalisation has been increased corruption in the distribution of economic resources amidst high levels of poverty and deteriorating or lack of social services within communities. The informal sector operates under strict restrictions as there has been no proper legislation that specifically deals with the new economic reality. This has resulted in economies of patronage as the dominant mode of governance within this sector. Clashes between informal traders versus Municipal Police with the support of the Zimbabwe Republic Police (ZRP) have become a norm.

#### 4.5 MARGINALISATION

The most vulnerable groups are the youth, women and people living with disabilities. Economically, women and the youth continue to remain marginalised. Traditionally, women have been relegated to the informal economy selling second hand and new clothes, cosmetics and hairdressing as well as cross boarder trading. In these spaces women face problems that include limited access to credit and financing - without access to credit, most of the women end up trapped in low-end income generating activities in the informal economy that have easy entry requirements, which in most cases is selling fruit and vegetables.<sup>46</sup> Politically-women and young (wo)men are particularly constrained from playing a critical role in governance and decision making because of the negative effects of patriarchal practices of ageism and gender discrimination at the family, community and national level.<sup>47</sup> An assessment of the party lists from the Women in Politics Support Unit during the 2018 elections found that neither the ruling Zanu-PF, which has a 30% quota for women, nor the main opposition MDC Alliance, which boasted a 50% quota for women, have failed to live up to their manifestos"<sup>48</sup>

#### 4.6 RACE AND BELONGING

The question of citizenship and belonging has been a major line of contestation in Zimbabwe. A significant sections of the citizenry have found themselves stripped of their citizenship rights on the basis of politics. This has posed questions on what it means to be Zimbabwean. To ZANU-PF, Zimbabwean identity is an emergent phenomenon deriving from heroic struggle that it spearhead and as such must remain guarded by ZANU-PF. President Mugabe in 1980 preached the gospel of reconciliation in an attempt to influence white capital to stay in the country. Land distribution remained highly skewed against the African

<sup>42</sup> See, <https://263chat.com/analysis-rbz-autonomy-and-quasi-fiscal-activities/>

<sup>43</sup> Situational Analysis of Women in the Informal Economy in Zimbabwe, International Labour Organization, 2017. <https://www.ilo.org/>

<sup>44</sup> Raftopoulos, B. (2014). Zimbabwean politics in the post-2013 election period. *Africa Spectrum*, 49(2), 91-103.

<sup>45</sup> Zamchiya P., and Chirimambowa T., (2014) Shifting Sands: Harare's New Political Economy. PACT, Zimbabwe.

<sup>46</sup> Situational Analysis of Women in the Informal Economy in Zimbabwe, International Labour Organization, 2017. <https://www.ilo.org/>

<sup>47</sup> Youth Empowerment and Transformation Trust. 2019. Decades of struggle and hope: A Zimbabwean youth compendium. Available at: [https://yett.org/wp-content/uploads/2019/11/1.eReport-YETT-Decades-Of-Struggle-Hope-A-Zimbabwean-Youth-Compendium-2019\\_compressed\\_compressed1.pdf](https://yett.org/wp-content/uploads/2019/11/1.eReport-YETT-Decades-Of-Struggle-Hope-A-Zimbabwean-Youth-Compendium-2019_compressed_compressed1.pdf)

<sup>48</sup> Council on Foreign Relations (CFR), Women Candidates Face Harassment and Threats of Violence in Zimbabwe, August 2018. <https://www.cfr.org/blog/women-candidates-face-harassment-and-threats-violence-zimbabwe>



majority. This later on provided an opportunity to the ruling party to use white farmers as scapegoats for Zimbabwe's economic and political crisis.<sup>49</sup> Imbued in patriotic history, a violent invasion of white owned commercial farms was allowed by the state from 2000. Suddenly, white people ceased to be citizens within the unified country Mugabe represented during his reconciliation speech at independence and had become enemies of the state. The interesting aspect to this narration of citizenship, land and belonging is the fact that whites who remained loyal to Zanu PF continued to own their land without any disturbances. This has raised questions on who should be considered Zimbabwean, or whether it is political affiliations that determines citizenship.

#### 4.7 ETHNICITY AND BELONGING

An estimated 20 000 people from Matabeleland and parts of Midlands Province in Zimbabwe were killed by government forces between 1983 and 1987. Gukurahundi left an ethnic polarised state that is still yet to be resolved. Lack of healing has caused trauma to be passed on to the next generation, a strong desire for revenge is felt, and high levels of mistrust are maintained towards the ethnic group involved in the massacres.<sup>50</sup> Botcharova also argues, when people have no outlet to express their hurts and anger, they will channel their revenge or desire for revenge against innocent members of the group from which the offenders originate.<sup>51</sup> Recently, this claim has manifesting itself in the country. The resurgence of Mthwakhazi Republic Party (MRP) which driven by the desire to make Matabeleland a sovereign nation free from the Shona political control has the potential to escalate ethnic tensions in the future. Disassociating itself from the concept of modern day state of Zimbabwe, the MRP has vowed not to be part in national protests against poor governance and corruption insisting it will only be involved in demonstrations related to the separation of Matabeleland from the rest of the country, and the issue of Gukurahundi massacre only.<sup>52</sup> Gukurahundi can be regarded as an early manifestation of the culture of violence that today is affecting the whole country.<sup>53</sup> This speaks to the unresolved questions of ethnic tensions within the country and the need to forge one nation.

#### 4.8 DIASPORA AND BELONGING

The diaspora community has been bringing in the much needed foreign currency into the country from the 1990s. When Zimbabwe suffered its worst economic meltdown in 2008-2009, the diaspora remitted over \$1.6 billion, which accounted for more than 10% of its gross domestic product.<sup>54</sup> In that time period, it was the biggest source of capital inflow and out-performed both exports earnings and development assistance. However, despite this role that diaspora remittances are playing, relations with the home government have been strained. Members of the diaspora are denied the right to vote in elections and therefore disenfranchised and alienated from centres of power. The voting rights of the diaspora has been a key point of contestation in Zimbabwe and this has seen the government facing a repeated number of litigations.<sup>55</sup> Political differences and tensions among the diaspora, and between the diaspora and the government, have impeded discussion of collaborating to

<sup>49</sup> A. S. Mlambo, "Becoming Zimbabwe or Becoming Zimbabwean: Identity, Nationalism and State-building" *Africa Spectrum*, 2013, Vol. 48, No. 1 (2013), pp. 49-70.

<sup>50</sup> D. Ngwenya and G. Harris, The consequences of not healing Evidence from the Gukurahundi violence in Zimbabwe <https://www.accord.org.za/ajcr-issues/the-consequences-of-not-healing/>

<sup>51</sup> Botcharova, Olga 2001. Implementation of track two diplomacy: Developing a model for forgiveness. In: Helmick and Petersen

<sup>52</sup> All Africa (9 July 2020), Zimbabwe: Mthwakhazi Says Will Not Join July 31 Protests, Says Only Concerned About Secession. Available at <https://allafrica.com/stories/202007090089.html>.

<sup>53</sup> S.G Ndlovu, p. 4.

<sup>54</sup> N.Mugwagwa (January 28, 2014), Zimbabwe: How Can the Diaspora Contribute to Development? Available at <https://blogs.worldbank.org/voices/zimbabwe-how-can-diaspora-contribute-development>

<sup>55</sup> See, Kubatana. Concourt hears diaspora vote challenge. Available at: <http://kubatana.net/2018/01/18/concourt-hears-diaspora-vote-challenge/>; Southern Africa Litigation Center. Zimbabwe Constitutional Court dismisses constitutional challenge to the disenfranchisement of Zimbabweans in the diaspora. Available at: <https://www.southernafricalitigationcentre.org/2018/06/01/news-release-zimbabwe-constitutional-court-dismisses-constitutional-challenge-to-the-disenfranchisement-of-zimbabweans-in-the-diaspora/>; Feltoe, G. Diaspora Voting: Casenote on the case of Bukaibenyu v Chairman ZEC, Registrar General of Voters, the minister of Constitutional and Legal Affairs, Minister of Justice and Legal Affairs & Ors CC-12-17. Available at: <https://zimlil.org/zw/journals/Case%20note%20Diaspora%20voting%20decision.pdf>

improve the country's economy.<sup>56</sup> Many in the diaspora are now resorting to acquiring either foreign citizenships or permanent residencies as the government only sees them as sources of revenue and not citizens to be accorded rights.

#### 4.9 MILITARY-CIVIL RELATIONS

At center of conflicts in Zimbabwe has been the military which has been accused of gross human rights violations right from the early independence days to the present. The military is fingered in the Gukurahundi atrocities that happened in the Matabeleland and Midlands provinces between 1982-1987, the political violence that occur in the preceding elections up to the present.<sup>57</sup> The Army – particularly the Joint Operations Command (JOC) – appears to remain crucial as power-brokers and king-makers. The army has now evolved resulting in the progressive politicisation of the Army since 2000 caused by varying willingness to use state-sanctioned violence, which is seen by some as eroding professionalism and morale.<sup>58</sup> There has been an increased militarisation of both state institutions and agencies from 2017 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.<sup>59</sup> The Zimbabwe Republic Police (ZRP) and the Zimbabwe National Army (ZNA) have increasingly contributed the highest number of perpetrators in human rights violations.<sup>60</sup> In fact, the Zimbabwe Democracy Institute (ZDI) in its 2020 report on transition politics in post-Mugabe Zimbabwe, argues that the military has become a permanent feature of the country's politics, thus almost equating to military rule.<sup>61</sup> The recent moves by the Ministry of Health to put the recruitment of junior doctors under the Zimbabwe Defence Forces<sup>62</sup> further underlie the encroachment of the military in areas always perceived civilian.

#### 4.10 RULE OF LAW

Public Institutions that are supposed to fight lawlessness at the formal level have become too compromised to carry out their job, principally because they have been corrupted by political interests. In certain cases, officials have been fingered as beneficiaries of systemic corrupt practices<sup>63</sup>, thus raising questions of their impartiality. Corruption, selective arrests and failure of ZACC to prosecute any of the big names embroiled in different scandals<sup>64</sup> has shown how those who committed crimes are left to walk freely. The law and courts appears to be skewed in favour of those who have connections to the ruling elite. In a typical state capture scenario, "Lawfare"<sup>65</sup> is being used to silence opponents of the state without any regard to the rule of law and the national constitution. Opponents or critics of government have been targets of selected arrests with court delaying on their bail hearings. This

<sup>56</sup>N.Mugwagwa (January 28, 2014), Zimbabwe: How Can the Diaspora Contribute to Development? Available at <https://blogs.worldbank.org/voices/zimbabwe-how-can-diaspora-contribute-development>

<sup>57</sup> See Kriger, N., 2005. ZANU (PF) strategies in general elections, 1980–2000: Discourse and coercion. *African Affairs*, 104(414), pp.1-34.; Human Rights Watch.; 2009. Bullets for each of you: State sponsored violence since Zimbabwe's March 29 elections. Available at: <https://www.hrw.org/report/2008/06/09/bullets-each-you/state-sponsored-violence-zimbabwes-march-29-elections>

<sup>58</sup> S. Onslow, Zimbabwe and Political Transition Strategic Update, LSE, March 2011.

<sup>59</sup> J. Moyo 2020, Zoom Presentation

<sup>60</sup> Zimbabwe Peace Project (ZPP) July 2020, Under a Darkening Sky: Zimbabwe's Regression into Repression and Recession, June 2020 Monthly Monitoring Report.

<sup>61</sup> Zimbabwe democracy Institute (ZDI).; 2020. Transition politics in the post Mugabe era: Public perceptions on the role of the military. Harare.

<sup>62</sup> Vinga, A.; 2020. Over 200 junior medical officers to be appointed under the military. New Zimbabwe.

Available at: <https://www.newzimbabwe.com/over-200-junior-medical-officers-to-be-appointed-under-the-military/>

<sup>63</sup> See Share, F. 2020. ZACC suspends 19 investigators. The Herald. Available at: <https://www.herald.co.zw/zacc-suspends-19-investigators/>; Chibamu, A. 2020. Mliswa blasts ZACC, SACU over planned Rautenbach evictions in Aspindale. New Zimbabwe. Available at: <https://www.newzimbabwe.com/mliswa-blasts-zacc-sacu-over-planned-rautenbach-evictions-in-aspindale/>

<sup>64</sup> See, The Zimbabwe Independent, 2020. Selective application of the law problematic in Zimbabwe. Available at: <https://www.theindependent.co.zw/2016/11/07/selective-application-law-zim-problematic-2/>; The Zimbabwe Sentinel, 2020. ZACC too weak to prosecute big guns: Mahere. Available at:

<http://www.zimsentinel.com/zacc-too-weak-to-prosecute-big-guns-mahere/>

<sup>65</sup> The abuse of the law to achieve undemocratic objectives. For a detailed explanation, 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>

prompted critics to argue prosecution is being used to achieve persecution of opponents<sup>66</sup> rather than promoting justice and rule of law.

#### 4.11 CONSTITUTIONALISM

Whilst constitutions world over are amended to further protect human rights, in Zimbabwe, all the amendments that have been made to the constitution have sought to entrench executive power. The history of post-colonial Zimbabwe is characterised by persistent constitution amendments that excludes people with the most far-reaching being the 1987 amendment which created the executive presidency. Yet there was no participatory process encouraged in this substantial amending of the constitution.<sup>67</sup> As a result, the initial clamour for constitutional review emerged from outside the ruling ZANU-PF party. Opposition parties and civil society organisations sought constitutional reforms as they viewed existing ones as serving the interests of the elite in power. This gave birth to a broad alliance of civil society organisations that founded the National Constitutional Assembly (NCA) in 1998 to spearhead constitutional reform, an objective which was met in 2013 when Constitution of Zimbabwe Amendment No. 20 Act of 2013 was enacted into law. Nevertheless, the ruling party and government have gone further to initiate steps to amend the constitution to entrench the power of the executive<sup>68</sup>. This is despite the fact that the government is still yet to fully implement the full provisions of the 2013 constitution,<sup>69</sup> a position which was also used to build the basis of President Mugabe's impeachment before his "resignation"<sup>70</sup> in November 2017. The current position shows that ZANU-PF should not monopolise the constitution-making process entirely but should instead allow other players to contribute to the process.

#### 4.12 JUDICIAL INDEPENDENCE

Judicial independence has been a key site of contestation among Zimbabwe's major political actors. The Zimbabwe judiciary has been dominated by the executive and is not likely to make any judgments contrary to ZANU PF's electoral strategies and survival. The compromised nature of the judiciary is a common perception within Zimbabwe's legal fraternity.<sup>71</sup> The judiciary in Zimbabwe has undergone fundamental transformation from the year 2000 to the present. There were major changes to the High Court and Supreme Court benches which saw the hounding out of senior and independent justices, and thus creating a 'post 2000 new look judiciary' perceived pliant to ZANU PF's power retention and consolidation strategies.<sup>72</sup> The passing of Constitutional Amendment No. 1 of 2017 by the House of Assembly of Zimbabwe on 25 July 2017 granted the President the right to appoint to office, the Judge President of the High Court, the Deputy Chief Justice and the Chief Justice of Zimbabwe. This was a deviation from the standard procedure where the Judicial Services Commission (JSC) spearheaded the process of selection and appointment of judges. This has led to the questioning of the impartiality and the independence of the judiciary. Recently judiciary independence again was questioned as the directive by the chief justice of Zimbabwe Luke Malaba through a memorandum directed that before any judgment or an order of the High Court or Labour Court is issued or handed down, it should be seen and approved by the head of court division has been criticised for trampling judicial

<sup>66</sup> See Zimbabwe Situation. ZINASU President's arrest a case of persecution by prosecution. Available at: <https://www.zimbabwesituation.com/news/zinasu-presidents-arrest-a-case-of-persecution-by-prosecution/>; 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>67</sup> L. Sachikonye, Constitutionalism, the Electoral System and Challenges for Governance and Stability in Zimbabwe

<sup>68</sup> Chikohomero, R. 2020. Zimbabwe to change its constitution under the cover of Covid-19. Institute for Security Studies. Available at: <https://issafrica.org/iss-today/zimbabwe-to-change-its-constitution-under-cover-of-covid-19>

<sup>69</sup> Ibid.

<sup>70</sup> Langa, V. Parly resumes: Mugabe impeachment on cards. Newsday. Available at: <https://www.newsday.co.zw/2017/11/parly-resumes-mugabe-impeachment-cards/>

<sup>71</sup> For a detailed discussion see International Bar Association (2011), "Zimbabwe: Time for a New Approach", pp. 24-25.

<sup>72</sup> For a detailed discussion see, Daniel Compagnon (2011), "A Predictable Tragedy: Robert Mugabe and the Collapse of Zimbabwe", University of Pennsylvania Press, pp152-5.



independence.<sup>73</sup> Such a directive has an impact on the independence of the judiciary, in particular individual and decisional independence that the chief justice has a constitutional duty to protect. It also results in the interference into judiciary matters by the executive thus, deviating from the separation of powers principles. Veritas have rightly argued that that amendments to the constitution must not be taken lightly and indeed, "...not so as to compromise the independence of the Judiciary, one of the constitutional pillars on which the rule of law rests."<sup>74</sup>

#### 4.13 DAILY GOVERNANCE

Zimbabwe has seen a continued cycle of unending crises at whose heart lies contested electoral legitimacy from the 1980 elections to date.<sup>75</sup> In addition to the electoral question is the everyday governance practices, a key dimension to which is the daily exercise of power and the party-military-state conflation, that has created 'militarised business-state relations'<sup>76</sup> and 'state-society relations'. The debate on devolution as the primary mode of diffusing daily governmental powers from the centre to the periphery resembles a crisis of over control over resources. Those with power want to maintain the status quo, whereas those who lack power and resources seek to have more power and influence, and a greater share of resources.<sup>77</sup> Whilst there seems to be a general consensus among the political divide, civil society and other stakeholders on the need for devolution, the challenge has been on the nature of its implementation. The ability of local authorities to execute devolution functions has been limited because: their powers to execute functions are subject to the provisions of other national legislation as many functions are already performed wholly or in part by central government. Moreover, threats to the autonomy of local authorities come through direct interference in council affairs by either central government or the Minister through ministerial circulars.<sup>78</sup> Differences in perspectives on devolution still pervade debates that should be focused on implementation.

#### 5.0 MOVING FORWARD.

The paper has mapped the Zimbabwe crisis into three broad spheres and went further to tease out their sub-spheres. At the core of these sphere is a military-business-politico elite have found themselves mired in the country's various epochs of history. The over-bearing nature of the military in what is usually perceived civilian terrains has complicated Zimbabwe's transition. To address the transition in Zimbabwe, focussing on political parties only as espoused in the strategies of the major parties is very limiting. There is a need to broaden the dialogue as argued by civil society. In doing so, civil society needs to begin a process of citizens' dialogue series on resolving the transition contestation within the three spheres of primitive accumulation, nation-state formation and democratisation. These dialogue series can be based on the need to fully implement and operationalise the 2013 Constitution. It is also important to note that, the conflict in Zimbabwe is not a purely civilian one, but also includes the military which has persistently played a backstage politics. Therefore, this necessitates seeking ways of engaging the emerging military-business-politico elite so as avoid to another cycle of a botched transition. There is a need for civil society, regional and international actors to consider resolving the role of the military in Zimbabwe's civilian affairs. Already, a proposition has been made to consider the 'United Nations given its experience in demilitarised transitions'<sup>79</sup>. For this proposition to bear fruit,

<sup>73</sup> *The Daily Maverick*, (23 July 2020). Available at <https://www.dailymaverick.co.za/article/2020-07-23-judicial-independence-under-threat-in-zimbabwe/>

<sup>74</sup> Veritas Constitutional Amendment to Extend Presidential powers in Constitution Watch 2 of 2017 (25 January 2017); See also "Five myths behind ZANU PF's proposed constitutional amendment," by Alex Magaisa in dealing with Myth Number 3 available at <https://www.bigsr.co.uk/singlepost/2016/12/14/Five-myths-behind-ZANU-PF%E2%80%99s-proposed-constitutional-amendment>.

<sup>75</sup> Kriger, N., 2005. ZANU (PF) strategies in general elections, 1980–2000: Discourse and coercion. *African Affairs*, 104(414), pp.1-34.

<sup>76</sup> Shumba, J.M., 2018. *Zimbabwe's Predatory State: party, military and business*. University of KwaZulu-Natal Press.

<sup>77</sup> T. C Chigwata, Devolution demystified: Emerging debates and prospects for devolution in Zimbabwe A discussion paper, January 2019.<https://zimlil.org/content/devolution-demystified-emerging-debates-and-prospects-devolution-zimbabwe-discussion-paper>

<sup>78</sup> Action aid, The Dynamics of Devolution in Zimbabwe A briefing paper on local democracy[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>79</sup> J. Moyo 2020, Zoom Presentation

it will need to navigate the politics of the UN Security Council, something that seems improbable at the moment given the position and history of China and Russia's interventions on Zimbabwe. It seems the most possible route is seeking to work through SADC but via South Africa to push for a transition paradigm that will seek to resolve the military factor in the identified contours of conflict within the three broad spheres discussed in this paper. Civil society may seek to take advantage of the current emerging consensus especially within South Africa that there is a crisis in Zimbabwe. This means working with influential political and economic actors and institutions in South Africa and influence its foreign policy towards the resolution of the Zimbabwe crisis.

