

ZIMBABWE BETWEEN THE REFERENDUM AND THE ELECTIONS

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"Has any Zimbabwean election ever solved anything?"
"The problem is not the constitution but who counts the votes."
(Local voices)¹⁾

1. Introduction

The recent overwhelming 'Yes' vote in the constitutional referendum on 16 March has led to two seemingly contradictory developments. The way has opened up for elections later in the year (the date has to be announced by 29 June), but it is unlikely that these will occur in a free and fair environment as demanded by the regional body, the Southern African Development Community (SADC), and by international donors who may provide the funding. By law Zimbabwe has to have set an election date by the end of June 2013 and before such elections the regional body SADC insisted that there be a referendum on a new constitution as agreed in inter-party negotiations after 2008. This took place peacefully, although amid a wider climate of intimidation and arrests,²⁾ and the electorate voted overwhelmingly in favour.³⁾ The negotiations over the latter in the Parliamentary Constitutional Select Committee (COPAC) have dragged on since 2009. Finally a draft constitution was agreed in mid-January 2013 with all parties making concessions at the last minute. The sticking points were choosing presidential running mates (a big problem for both Mugabe and Tsvangirai given faction fighting), devolution, a Constitutional Court, a National Prosecuting Authority separate from the partisan Attorney General, and reducing the powers of the executive. Many see the draft as very flawed but with little choice but to accept it. As things stand, if elections are not called in the first half of 2013 the government becomes *ultra vires*.⁴⁾ There has always been a tendency in ZANU-PF to main-

tain the semblance of legality (even if post-hoc on occasion) despite its methods. There has been no significant progress towards security reforms/governance to prevent the violence of the 2008 elections being repeated or other reforms to ensure a free(ish) and fair(ish) election such as a truly autonomous electoral commission (ZEC) and reform of the degraded voters roll. Legislation to establish a Human Rights Commission passed through Parliament but its provisions on impunity for abuses until recently attracted much civil society criticism. Western donors seem very keen to re-engage Harare despite the volatile human rights situation.

In February 2013 we had four years of the 'Inclusive (or Unified) Government' (IG/GNU) following the signing in September 2008 of the 'Global Political Agreement' (GPA) between the former sole ruling party ZANU-PF and its challengers, the two factions of the Movement for Democratic Change (MDC). Many activists see that ZANU-PF has used the space of the GPA better to consolidate its previously shaky rule, even if its support base is low. Its control of the major organisations of state with the exception of the Ministry of Finance remains firm especially with the additional, largely undeclared revenues from the diamond mines. Its ideological stance of indigenisation, sovereignty and empowerment is at least clearly understood while that of the MDC is unclear, including its Jobs, Upliftment, Capital Investment and Ecology (JUICE) programme for growth. It remains susceptible to the charge repeated endlessly by its coalition 'partner' and the state-controlled media of being Western puppets. There is, however, an alternative scenario that both MDC-T leader Morgan Tsvangirai and President Mugabe fear more the enemy within (that is, in their own parties) than that without. This might lead to possible realignments according to some. While some are sceptical about this, proponents point out that no-one is posing a way to unlock the process whereby a yes vote leads to the elections with little having changed and the supposedly democratic elements of the constitution have had no chance to bed in. The alternative therefore is an elite pact avoiding ructions within the parties giving that few actually really want elections anyway. SADC having called for a two-part formula of electoral reform and a new constitution has abandoned the latter and it is assumed that they have been given guarantees of peace and stability during the electoral period (for what that is worth).

2. Elections and Constitution

Even though the population dreads elections because of attendant violence, there appears almost an 'inertial momentum' towards them. Key unresolved issues are the need for elections under free(ish) and fair(ish) conditions with an autonomous electoral commission (ZEC) and reform of the degraded voters roll. A respected retired judge Simpson Mutambanengwe was appointed to head ZEC, but has resigned allegedly on 'health grounds' though many believe he was pushed out in favour of the previous pro-ZANU vice chair from the flawed 2008 elections Joyce Kazembe.⁵⁾ (This echoes the resignation of the respected head of the Human Rights Commission, although on this occasion it was for lack of funds.) A new head Justice Rita Makarau was appointed without due procedure being followed. There have been questions over whether or not there is sufficient money to run both this and the referendum on a new constitution — US\$85 million is needed for the former and US\$107 for elections was the initial calculation, although US\$250 million is now mooted. There is talk of applying to the African Union (AU), SADC or the United Nations Development Fund (UNDP) for necessary funds, while ZEC has an alleged near million-dollar debt. There are reports of police intimidation of those attempting to register as first time voters in MDC strongholds (the battle over youth is a key general and electoral battlefield). Voter registration is a shambles according to the independent press with village heads refusing to register on the basis of political affiliation and with independent groups attempting to register people being charged with "illegal voter registration activities".⁶⁾ There are also allegations that ZANU-PF supporters living in Mozambique were being illegally registered as voters.

There is a plethora of candidates putting themselves forward, but with widespread belief that this is for income generating purposes rather than for representing the people.⁷⁾ According to local economist Tony Hawkins "the draft [constitution] illustrates the chasm between Zimbabwe's political class and the real world. Here is a low-income country in which two thirds to three quarters live below the poverty datum line, preparing to adopt a constitution that will increase the number of parliamentarians by a fifth to 350 people for a population of 12.9 million. It has an external debt of US\$12.6 billion — 116 per

cent of Gross Domestic Product — more than half of which is in arrears. In his 2013 budget Finance Minister Tendai Biti complained that two-thirds of the budget was spent on 230,000 civil servants, leaving one-third for 12.7 m people".⁸⁾ Zimbabwe's MPs, commissioners, provincial assemblies make up 17 per cent of Gross Domestic Product (GDP) more than any other SADC country (average 7.3 per cent) except Lesotho. This is the context of applying to foreign donors to bankroll the elections.

Most believe that ZANU-PF is gearing up for elections using their favoured tactics of repression, denial of political space, intimidation and misinformation — "disenfranchisement through voter roll chicanery, gerrymandering of constituencies and manipulation of polling stations", as a local activist put it. With no movement on security sector 'governance', there are concerns that 'retrenched' soldiers are still on the payroll, busy organising structures of violence. Mention is made below of military recruitment. However, Mugabe has a problem in that to rescue his reputation in the international and regional community he will have to have free(ish) and fair(ish) elections. Although the MDC's reputation has been damaged by its perceived lack of effective change and its internal scandals (including the Prime Minister), it is unlikely that the population has much enthusiasm in a free vote to cast their ballots for the party responsible for the 'lost decade' of 1998 -2008.

However, the alternative view given by those non-governmental organisations (NGOs) who see themselves as neutral and not 'MDC lite' is that Mugabe despite his public utterances is not actually keen on elections. The rhetoric "keeps ZANU-PF on its toes" and disguises the fact that Mugabe is apparently quite sick. He would have to undertake a 90 day election campaign and be able to prove that he was able to govern. Therefore according to this thinking he might be persuaded to think about his legacy by agreeing to a reform process, involving removing the military from politics, undertaking a genuine land audit and changing the indigenisation policy (which is under attack for corruption⁹⁾). This would unlock the electoral process from the constitutional one. This would give a period of time for the constitution to bed in and for laws to be passed that are in line with the passed constitution. The process, although reversed in some aspects, would be similar to the Transitional Executive Authority in South Africa, that is, a governing body to prepare for elections and with a parlia-

ment that was just engaged in harmonising legislation with the constitution. This would be a technocrat executive with a two-year mandate and would involve basically a stitch up between Mugabe, Tsvangirai and Vice President Joice Mujuru with the parties (and everyone else) being kept outside of negotiations, although it would be a GPA 2 in some ways. The big question here of course is the reaction by the military, police and other security agencies. Many see these as more of a problem and point to interesting phenomena like senior military looking for alternative sources of employment — applying to universities and to be ZANU-PF candidates (although the party is unhappy with this and with any demand for quotas for military candidates). Seemingly there is a gap between the military hawks and Mugabe, and indeed between the hawks and the professionals in the army.

The other intriguing possibility is if Mugabe were to die in between being officially declared a candidate and the election date. It seems fairly clear that Joice Mujuru would take over in the interim, but that Tsvangirai would win by default. Mnangagwa appears now to be out of the running. The disbanding of the party's district committees (DCCs) undercut his power base and he is only ninth in the party hierarchy. This may open up spaces for the possible deal lined up above. SADC might buy it and there are other factors adduced by those thinking it possible. The government has appealed to the UNDP for assistance in raising outside money for the election process given the gap between the amount budgeted and that needed. Such money can really only come from Western donors with the Chinese being cautious it seems.

Although the European Union (EU) indicated that they would not be asking to be international observers (as many in civil society want), given that SADC sees them as pro-MDC, they would if they provided the money be ensuring that SADC would stick to its own electoral protocol. The provision of referendum money would be a test run for this. The EU has taken 81 ZANU-PF members and organisations off the 'sanctions' list,¹⁰ the United Kingdom (UK) government invited the Joint Monitoring and Implementation Committee (JOMIC) members, including Justice Minister Patrick Chinamasa for discussions in the UK,¹¹ and the Friends of Zimbabwe stated that they would provide support for economic recovery if a free and fair election was held.¹² Other elements are that the new United States (US)

ambassador is pursuing a far more consensual line than his predecessor and is talking to all parties. The SADC negotiating team is finding it strange that the MDC are blocking the deployment of their JOMIC member which can be interpreted as looking for an internal settlement/ elite pact. SADC would find it hard to resist this when the GPA can be extended by parliamentary vote (given there is no opposition in parliament to the IG). If there is a majority for the MDC would the military hawks accept it? A military *coup*/state of emergency would be rejected by both SADC and the AU and for a nation with no money (except if the kleptocrats used 'their' money to fund activities), where would Zimbabwe go? The Chinese who think long-term would certainly remain very cautious. The other aspect is that the MDC think they would win any future election whenever it is and would certainly like to enjoy the presidential powers that Mugabe has and appears only too ready to use after the constitution was passed.

3. Civil Society and Churches

Human rights defenders continue their work despite persecution and indeed their reliance on outside donors. While many human rights activists have left the country due to persecution and intimidation there are several groups such as the National Constitutional Assembly (NCA), Women of Zimbabwe Arise (WOZA), Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe Peace Project, ZimRights, the Zimbabwe Human Rights NGO Forum who continue to inform the public of human rights violations. The Zimbabwe Human Rights NGO forum briefing of 12 February 2013 captures all the incidents of harassment and arrest of human rights defenders and notes also international reaction from the UN Human Rights Commissioner and European Parliament to this crackdown aimed at disabling civil society as it aims to struggle for free and fair elections and a genuine expression of the popular will.

Zimbabwean civil society sees the need for SADC and the international community to push for action to stop continuing intimidation and violence, including of the Anti-corruption Commission investigating government ministers alleged to be involved in corruption,¹³⁾ the security forces' control of rural areas, and total state control of the broadcast media. There needs to be new electoral arrangements put

in place before any election. They see as vital the commitment to a genuine free broadcast media (including both community and alternative national voice, not just equal access to national state/party broadcaster), updated voters roll, and regional accompaniment and supervision of police. In the longer term there is need to ensure the neutrality of National Security Council, military, police, traditional leaders, Attorney-General's office and the media. Such reforms would seem acceptable to SADC, could at least in theory be monitored by JOMIC (the monitoring body set up to check the progress of the GPA — although widely seen as toothless), and would provide very serious measures of ZANU-PF's commitment. SADC, as GPA guarantor, needs to ensure democratic elections comply with SADC principles and guidelines.

Besides staffing of the Zimbabwe Elections Commission, and the role of the Zimbabwe Security Forces in repression, there is need to repeal legislation prohibiting freedom of expression and movement, and the role of election monitors. A new constitution should have ensured electoral reforms like an accurate voters' roll, guarantees for media freedom, promotion of gender equality and equal access by all political parties to state media and repealing legislation hindering free political activity. All soldiers should be returned to barracks with service chiefs restricting their activities to their constitutional mandate and ceasing interference in political and electoral affairs. The ZEC and its secretariat staff need to be demilitarised, independent, adequately resourced and receive direct technical support from the SADC Electoral Commissions Forum. SADC must certify that the environment is conducive to holding free and fair elections before an election date can be set, and must supervise the elections. These should be monitored and observed by local, regional, continental and international groups with unfettered access to all parts of the country and in place three months before and after elections. The international community should extend financial and technical support to help this process including to civil society with its critical role in transition. There could also be increased support to monitoring of the Marange/Chiadzwa diamond fields, especially support for the Local Focal Point. Not only would this help avert conflict, it would enable the resources to be used for vital reconstruction rather than illegal private accumulation. No significant progress has been made since these requirements were formulated, the situation remains polarised

and very much tilted in favour of ZANU-PF.¹⁴⁾

There will be additional need for donor support for mobilising people to vote in elections with identity documents (IDs), voter education and working to reform the voters roll. Within this there will be need for support to civil society to increase voter turnout through building mutual support networks and use of mobile phones and social media. Given that an ideal electoral situation is unlikely, minimum electoral conditions would focus on who counts the vote. Allied to this, given that escalating violence at elections could be seen as a structural necessity for the securocrats to cling on to their wealth, planning will be needed for the most secure election observation/monitoring based on a worst case scenario of violence similar to the 2008 elections.

The churches have over the years become more united and the three church 'mother bodies' of Zimbabwe grouped under the Heads of Christian Denominations (HOCD), namely Zimbabwe Council of Churches (ZCC), Zimbabwe Catholic Bishops' Conference (ZCBC) and the Evangelical Fellowship of Zimbabwe (EFZ), due to launch shortly a long-term (and for some long overdue) programme called Ecumenical Peace Observation Initiative in Zimbabwe (EPOIZ), apparently fully-funded with a national director. This aims to campaign for free and fair elections and call on the overwhelmingly largely religious Zimbabwean population to heed calls for peace, tolerance and justice — not just in political violence but also domestic, community and within churches. The HOCD are also members of the Churches Civil Society Forum with most major civil society organisations/coalitions. Leading church sources were worried about violence especially in Rusape where Didymus Mutasa was already in charge of major intimidation and in the townships. There was concern that militia youth were being recruited from the prison service and deployed into militia bases with the machinery for violence already in place. Regional churches have been supportive and churches have made visits to Mozambique, Zambia, South Africa, Botswana. Church leaders did see problems however with many of the SADC secretariat staff being Zimbabwean and largely ZANU-PF appointees or loyalists.

4. ZANU-PF's Continued Grip

The context remains, however, the militarisation and 'militia-isation' of the Zimbabwean state and the MDCs remaining unable to overcome

ZANU-PF's political and military control.¹⁵⁾ There was a period of quiet immediately after the GPA and the swearing into office of the IG — although abductions of opponents continued and violence and intimidation were still common in the rural areas. Indeed these rather than general systemic violence are the current characteristics. Systematic urban violence through militias linked to ZANU-PF is on the increase as the party feels more in charge, seems to have a strategy of recapturing the urban areas. Violent rhetoric is also on the increase — contrary to the terms of the GPA. Coupled with the inability of MDC to force major decisions through the IG, problems are not technical but political, perhaps most obviously exemplified by the arrest of four members of Tsvangirai's office. Mugabe retains control of the military and intelligence ministries and the whole system of governance ('organised chaos') from the Joint Operations Command (JOC) downwards to ZANU-supporting civil servants and security forces is geared to maintaining the old regime's rule at whatever cost.¹⁶⁾ The arrests of leading human rights lawyer Beatrice Mtetwa and of the head of the Anti-Corruption Commission seem designed to show immediately after the Yes vote in the constitution that ZANU-PF was still very much in charge. There may be a period of intense instability including faction-fighting over the succession within ZANU-PF which could actually lead to a worsening of the repression, but also frustration at the inability of the GNU and specifically the MDC ministries to turn things around. The Public Order and Security Act (POSA) and other repressive pieces of legislation have still not been repealed, with the MDC admitting recently that it would be hard to get amendments through parliament. This legislation is still being used by police and other security organs in a markedly partisan manner.

The National Security Council brought in under the GPA to replace the JOC (grouping the major heads of security) has hardly met unlike the latter despite its supposed disbandment. It certainly shows no intention of abandoning its strategies for maintaining its power, its sources of revenue (indeed a local activist thought given the resources from diamond revenues and 'community empowerment' that it is more willing to be ruthless), and that it is determined to avoid any risk of international or domestic prosecutions for human rights abuses. The JOC's main focus will be on winning elections with the youth militia being mobilised under the control of the senior military as the shock troops for a ZANU-PF victory. Zimbabwean military

leaders such as Zimbabwe National Army commander, Brigadier-General Douglas Nyikayaramba, sees Morgan Tsvangirai as a 'security threat' and hence claims there is need for a strong military presence in the political domain.¹⁷⁾ This follows on from numerous statements by military and security leaders, such as the late army commander, Vitalis Zvinavashe, and the present incumbent Constantine Chiwenga, that they would never salute anyone without liberation credentials, that is, Tsvangirai.¹⁸⁾ New recruiting and deployment of local militias is clearly underway — as reports from organisations such as Zimrights, Crisis Coalition and local media throughout the last two years indicate.

There is little chance of security sector reform/governance (with Minister for Justice Patrick Chinamasa and Defence Minister Emerson Mnangagwa saying in February 2013 that given the draft constitution was now finalised for the referendum there was no need for further reform in any sector including the security and electoral ones). Arrests of journalists, human rights activists (including gay rights activists), independent newspaper distributors, lawyers, anti-corruption officials and MDC officials continue to undermine the rule of law. Mugabe continues to sow division amongst his opponents such as in his demands from February 2011 to end the coalition and move to elections — which practically all commentators believe will be violent given the lack of reform of major state institutions. Violence is likely especially against women as Zimbabwe has a high level of gender-based violence and patriarchy. Recent reports suggest that sexual and politically related gender violence is both pervasive and on the increase. Passing the new constitution will itself have little effect in the absence of the necessary concrete measures to prevent a repeat of the 2008 violence.

All major parastatal, and civil service posts — also on local level — continue to be occupied by ZANU-PF appointees. The local authority payroll in urban areas has been bloated to add more ZANU-PF supporters so as to marginalise MDC councilors. Alongside this ZANU-PF power base in public administration, there exists a parallel state with militia and gangs taking on quasi-state functions such as controlling the ability to work in the informal economy by demanding ZANU-PF cards and money in order to operate in markets. An additional element is that there is a hiving off of council functions to private control which is usually private control by ZANU-PF businessmen.

According to Transparency International, Zimbabwe in 2012

was ranked 163 out of 174 countries in terms of its level of corruption down from 154 in 2011.¹⁹⁾ The police (ZRP) topped the list as the institution perceived to be most corrupt and stood out as the biggest recipient of bribes among service providers.²⁰⁾ The police remain partisan in terms of who is arrested with government supporting perpetrators enjoying almost total immunity and especially opposition supporters and civil society being subject to arbitrary arrest. There is little police protection for victims of political violence, with torture of abductees while in unlawful state custody and continued repression from police, the Central Intelligence Organisation (CIO) and army agents. Kidnapping of perceived opponents and violence against teachers have also been widespread tactics.

Faction fighting inside ZANU-PF to succeed Mugabe and ensure continued access to legal and illegal resources has increased — notably since the highly suspicious death in August 2011 of General Solomon Mujuru. The husband of the Vice President Joice Mujuru was power-broking head of one of ZANU-PF factions before he died in a fire at his farmhouse. He reportedly told Mugabe the day before his death that it was time for the latter to step down. This showed both the divisions in the party, but also suggested that 'no one is safe'.²¹⁾

Since the discovery of alluvial diamonds in Marange (Chiadzwa) in 2006, the area has seen violence, social instability, and environmental degradation with diamonds having allegedly become a source of income for corrupt individuals, a repressive ZANU-PF regime and its military allies.²²⁾ A temporary suspension of Zimbabwe from the Kimberley Process Certification Scheme (KP) in 2009 until shortcomings were fixed, and the appointment of a Local Focal Point for civil society were not successful in ending allegations that Marange diamonds continue to be smuggled into world diamond markets. Subsequently KP has allowed Zimbabwe to trade in diamonds much to the consternation of civil society fearing it will fuel election-related violence. Its control of the Marange/Chiadzwa illegal diamond fields means it can pay its client networks such as the youth militia. All the actions, especially against NGOs attempting to ensure voter registration suggest continued levels of regime-induced fear and related mobilisation.²³⁾ This seeks to ensure ZANU-PF's continuation in power and hence its control over resources, especially diamonds where Canadian sources suggest an estimated US\$2 billion has been looted since 2008.

Levels of violence/intimidation were initially reduced in 2009 and 2010, but are on the increase. There has been political intimidation over songs, reading of certain newspapers, and wearing of party regalia, intolerance of opposing views, discrimination over access to resources, the inability of most of the victims of Operation Murambatsvina to return to their homes, and forced attendance at political rallies. There has been the setting up of militia bases in certain constituencies and the activities of youth militia especially in Mashonaland. Violence and intimidation have led to the cowing and self-censorship of the population with structures being put in place to ensure firstly that people vote 'the right' way and that the violence itself is ready and available. Reports are of soldiers campaigning for ZANU-PF in January 2013 threatening villagers in Mashonaland East, the covert military operation 'Nyika Yaenda' and the forcible taking of MDC cards by war veteran leader Jabulani Sibanda in Manicaland. In December and January members of ZimRights, including director Okay Machisa, were arrested and detained in some cases for over a month. Raids have been carried out on Zimbabwe Peace Project, Radio Dialogue and several others. Threats by the Masvingo governor against NGOs were renewed.

There has been increasing ZANU-PF gang activity this year in urban areas. Violence and threats may be directed by ZANU-PF supporters such as these gangs, youth militias and war veterans against anyone who is not an established ZANU-PF supporter, with some evidence that even such supporters have been attacked if unable to prove their allegiance e.g. by production of a party card. It is unlikely that anyone who has been out of the country for some time would know the slogans and constantly repeated radio jingles showing support for ZANU-PF. Such failure would also lead to the threat of violence and ill-treatment.

Urban areas, especially high density ones such as Norton, are increasingly marked by militia violence such as the Chipangano "who are essentially an authorised ZANU-PF thug association".²⁴⁾ Townships like Mbare are volatile areas, as ZANU-PF intensifies its strategies for controlling/re-imposing power over urban areas. Even though most of the residents, along with most townships in the Greater Harare region, support the MDC-T, there is a strong and threatening ZANU-PF presence and the area was also targeted in Operation Murambatsvina. Tension has mounted rapidly following the ZANU-PF Mutare congress

in December 2011 with hostile resolutions passed on NGOs, as they were at the December 2012 one. Previous experience suggests that such resolutions give the green light for anti-NGO activity by youth militias, war veterans etc.

ZANU-PF is intensifying its efforts to control the urban areas using a range of tactics.²⁵⁾ The aims appear to be to win selected urban constituencies; to control urban economic opportunities/resources and distribute them in a partisan manner denying MDC supporters access; and to undermine and discredit MDC-run municipal councils. Some of the methods — via the deployment of militias such as Chipangano — carry the advantage of deniability. Although urban authorities are run through elected MDC councils and there have been some improvements in services under the IG, there is widespread dissatisfaction with the performance of urban local authorities. Under the IG, ZANU-PF retained control of the Ministry of Local Government, Rural and Urban Development with Dr Ignatius Chombo staying in post as minister, the MDC then failing to understand the importance of local government and the role that the Minister could play by direct interference in it.²⁶⁾ Urban councils are important for urban livelihoods because they allocate licences and permits for vending and business, provide employment, and oversee allocation and development of urban land controlled by the councils. The Minister has been particularly proactive, using an interpretation of the Urban Councils Act to interfere in local government, and to try to block and discredit MDC councils. The Harare council workforce has been bloated with recruitment of members of the ZANU-PF youth militia. This is reflected by the fact that the World Bank regards a third of the Council's workforce of 9 000 as 'excess'. Salaries are supposed to account for no more than 30 per cent of urban councils' total budget, but a survey of councils by the Institute for a Democratic Alternative for Zimbabwe (IDAZIM) in 2010 showed that this proportion is often 70 per cent and sometimes reaches 90 per cent.²⁷⁾ Unskilled municipal workers were earning more than teachers. According to Dr McGregor she was told in interviews she conducted that incoming MDC councillors felt that the administrative hierarchy worked against them. MDC councillors claimed that the council officials refused to implement resolutions on the grounds that they worked for the District offices or Minister, or local ZANU-PF structures. MDC's grassroots urban supporters expected that under MDC control, local

councils would reverse prior partisan allocations such that market stalls, licences for vending access to urban stands and housing would accrue to MDC members preferentially. But this has not been possible in many contexts for a variety of reasons. In areas where ZANU-PF aligned militia are active, ZANU-PF's dominance of urban economic livelihood opportunities is particularly pronounced.

According to a Crisis Coalition briefing, Chipangano is growing its tentacles in all urban areas of Zimbabwe. Crisis points to the strong links between ZANU-PF and the militia group. It characterises it as not simply a localised militia but "a parallel rogue security force" that receives logistical support from the state and has "the potential to take Zimbabwe down the path of serious violence that will be difficult to control nor [sic] end". As well as Chipangano being behind a spate of violence in many parts of Harare, the briefing refers to Chipangano being in Mutare, Zimbabwe's fourth biggest urban centre, "during President Mugabe's birthday celebrations in the eastern border town end of February 2012, as many residents reported incidences of violence with many being force-marched to Sakubva stadium for the festivities of Mugabe's birthday".²⁸⁾ Financial management of Chipangano is reportedly under the control of ZANU shadow MP for Mbare and member of the Politburo, Tendai Savanhu. Crisis points to the worries expressed by civil society that violence is now becoming systematised with "Chipangano [being] a permanent stand-by militia". As well as the revenue generating roles and repression of non-ZANU supporters, Crisis note media reports that MPs are now afraid to visit their own constituencies.²⁹⁾

Chipangano is "hijacking local state roles in Harare's main markets". It is particularly active in the high-density suburb of Mbare, reflecting the area's importance as a hub for the informal economy with its extensive markets and the main bus station. People from all over the city come into Mbare to trade, or to travel. Stalls are allocated to ZANU-PF supporters; non ZANU-PF supporting businesses have been expelled; fees are collected from vendors and businesses by Chipangano. Chipangano has exercised close control and surveillance, and has regularly closed the markets and forced all traders to attend ZANU-PF rallies and events, monitoring attendance by maintaining registers. Market traders were supposed to have a licence from the City of Harare, "but now you need a ZANU card".³⁰⁾ There is extensive human rights documentation of violence against vendors

over 2012. MDC representatives from other parts of the country have been abducted from buses and beaten up at Mbare bus terminal.

Militia bases comparable to those in 2008 have been re-established around Mbare and surveillance reinforced so that it has become a 'no go area' for MDC councillors and its MP. ZANU-PF has enhanced its control over Mbare resources, also taking over newly drilled bore holes, so that a ZANU-PF card has become necessary to access water from them. Donor projects that might have a non-partisan benefit have been expelled. There are also other ZANU-PF groups including youth and women's groups that operate in urban areas to demand ZANU-PF cards in order to trade, similarly creating a form of parallel taxation. Transport hubs — bus and kombi ranks — throughout the city have also come under comparable ZANU-PF control. In some areas, the MDC and local traders have been able to put forward some temporary resistance to these. Violence has escalated recently in relation to protection fees demanded by ZANU-PF linked militia from minibus operators in the capital.

There is an acute shortage of housing in Harare and other urban areas (in Harare City, waiting lists for housing extend to 500 000 people). ZANU-PF has sought to control urban land and housing on city peripheries, and MDC councils lack the capacity to provide this. Increasingly, access to urban stands and housing co-operatives demands ZANU-PF loyalty. There are substantial populations on urban peripheries living directly under ZANU-PF militia control. MDC controlled councils have been denied access to farmland for urban housing to cater for expanding populations.³¹⁾ ZANU-PF controlled land on urban peripheries is occupied by people displaced by Operation Murambatsvina, the unemployed, and, increasingly, the overspill from high density areas where people often cannot afford rents, and where there is inadequate land for new housing to cater for a growing population. Control of former farms on urban peripheries which are being allocated for new housing is exercised by ZANU-PF via war veterans and ZANU-PF party structures. ZANU-PF demands repeated performances of political loyalty from these urban populations, and access to land and housing is contingent on demonstrations of ZANU-PF support. ZANU-PF sends buses to these peri-urban areas when it needs displays of support elsewhere in Harare and sends in buses to round up the whole adult and youth population.

Harare South has been particularly violent. Hopley residents were told that those who vote MDC will live in shacks and won't be given stands. If you get a stand you're put in front and told to do violence to others. 'Living in plastic', rather than a permanent shelter was said to signify support for MDC. The presence of these ZANU-PF bases adjoining high density areas creates further insecurity for neighbouring high density wards as there are ZANU-PF client populations who carry out intimidation. A study of urban land markets confirms these findings for Epworth and other parts of the Harare urban periphery: Marongwe et al note that "the question of land allocation even in the towns and cities cannot be unrelated to one's political affiliation to ZANU-PF". They show that in Epworth, "tenure security derives from ZANU-PF, the political party that gave them land in the first place. With central government emerging as the major source of supply of land to urban markets in Harare, it is inevitable that the land allocation process in certain cases might have been politically driven. With the City of Harare relegated as a source of land supply, it is not clear whether the waiting list has been adhered to as a land allocation tool". Often the central state has allocated and developed land through private partnerships, whose practices are not transparent, and are likely to be politicised.

Some believe that, despite recent moves, ZANU-PF has less to fear from a new constitution, so the current violence can be interpreted as being far more about winning an election — which ZANU-PF can probably only do by violence. Violence would then take on a more systemic and widespread nature once the electoral process is underway. Militia bases are capable of being mobile as well as static. In terms of elections, it is interesting that the draft constitution had a provision for diaspora voting (although they were not counted in the current census), but the Electoral Amendment Act would have to be passed first. It is unlikely that ZANU-PF would let this through since the party believes that the diaspora is pro-MDC — shown by their suspicions of returnees especially from the UK. Equally the MDC and the diaspora itself is keen that it should be able to vote, but first the constitutional change and then relevant electoral laws have to be passed which current ZANU-PF intransigence makes unlikely. The draft constitution has clauses on dual citizenship and diaspora voting but suspends these for 10 years before implementation.

5. Social Sectors, Economy and Indigenisation

Zimbabwe fell almost 50 places over the last decade in the ranking of the world's poorest countries, reaching 173rd place.³²⁾ It continues to have a major HIV and AIDS crisis. Many activists doubt that the figures have declined as dramatically as the National Aids Council allege — from 3 000 to 1 000 deaths a week and from 66 000 new infections annually to 44 000.³³⁾

The humanitarian situation is still precarious with an estimated 1.6 million people needing food aid at an estimated cost of US\$110 million.³⁴⁾ There have been heavy floods in certain parts of the country, while drought occurs in other places. In Harare 20 per cent of residents have access to drinking water only one to two days a week, 40 per cent lack adequate sanitation. Cholera had been halted, but now seems to be returning, with thousands of cases of typhoid (often a precursor to cholera) being reported. Malaria and measles have been endemic since 2010. The politicisation of food continues to favour government supporters and those who have obtained a ZANU-PF membership card. Those returning without US dollars are left with only the black market as a source of goods and food. In this situation, people would be forced into the black market, but then be subject to Chipangano and other ZANU-PF/militia violence and threats in urban areas. It is difficult for anyone unemployed and without a support network or remittances from the diaspora to survive.

After improvements since dollarisation, as noted in country guidance reports, the economy appears to be losing momentum with donor funding and investment problems due to coalition disagreements and indigenisation worries. Real economic growth was 8.5 per cent between 2009–2011 but fell to 4.4 per cent in 2012. Any country recovering from hyperinflation is likely to grow quickly but sustainability is the problem. The five major problems according to Tony Hawkins are "unsustainable national budget, hugely adverse balance of payments position, external debt, imbalance between consumption and savings and the country's infrastructure deficit".³⁵⁾ He further noted that 'sovereignty space' in Zimbabwe's open and foreign dependent economy was very limited "due to its economic structure and lack of manoeuvrability in a dollarised economy. Zimbabwe as the 132nd globally competitive economy is using the same currency

as the US, ranked 7th. Additionally the IMF reckons the US dollar is 15% too strong for Zimbabwe". Food production is down after the land reform programme had decidedly mixed results. The improvement in livelihoods in the urban areas is however very partial and largely restricted to those with access to dollars or rands. Those who previously worked in the informal sector have seen their situation worsen and the small rise in employment (formal sector employment is 800 000 people or 6.7 per cent of the population, of that most of the government budget goes on civil servants) will certainly not capture their labour power and is not necessarily going to last. Prices also appear to be increasing again and forcing up food prices in the urban areas. The rural poor are more or less out of the mainstream economy and are dependent on harvesting, trading, and survival. According to the UN there are 3.5 million children in Zimbabwe in poverty.

There is continuing battle over indigenisation,³⁶⁾ with the battlegrounds being mines and banks, following the crisis over land, although there are also recent threats against Nestle.³⁷⁾ A respected Zimbabwean commentator observed that "the banking crisis and the plunges on the stock market [happen] every time the proponents of indigenisation get noisy". Well-connected individuals make a killing on buying shares at reduced prices, "but the industry has little chance of profitability ... If the ZANU-PF elite succeed in driving out foreign investors, there is little chance that they will be able to run it profitably in the long run".³⁸⁾ Saviour Kasukwere, the Empowerment Minister has led the lobby for 51 per cent local black ownership of foreign companies and sees it as a vote winner. Kasukwere recently claimed that his National Indigenisation and Economic Empowerment Board (NIEEB) owned US\$4 billion of mining company assets. The recently agreed Zimplats deal means the latter is to 'lend' US\$971 million at 10 per cent over an unspecified period to Kasukwere's board, a community trust and employees. The major trade union grouping in Zimbabwe Congress of Trade Unions (ZCTU) is entirely opposed to this as a scam that will do nothing for workers. The money for repayment of the loan is supposedly to come from Zimplats future dividends, although the company is paying none at present and unlikely to do so in the near future. Essentially the country borrows almost US\$1 billion — 8 per cent of GDP. "All the deals made so far amount to billions, which means government and its specially selected group of penni-

less investors would mortgage the whole GDP of the country".³⁹⁾ The mining companies are said to fully understand the suspect nature of these deals, but are complying — which does raise questions of corporate governance.⁴⁰⁾ According to Tony Hawkins such deals mean that foreign creditors are unlikely to conclude any kind of debt-restructuring agreement with Zimbabwe which owes them US\$7 billion.⁴¹⁾ Tendai Biti has called for an investigation into the nature of these deals with cronyism, corruption, lack of consultation, massive fees going to consultants, the legality of community share ownership schemes, lack of cooperation with the Reserve Bank all being matters for concern.⁴²⁾

6. SADC/the Region

When Mbeki as guarantor of the GPA was succeeded by Jacob Zuma, a stronger public line was taken by SADC. The situation in Zimbabwe causes problems of instability and xenophobia for South Africa. Zuma would certainly prefer to see a more respectable regime in Zimbabwe. But SADC's input is completely dependent on Zuma. Essentially the balance of forces is that South Africa, Mozambique, Tanzania and now Malawi want a resolution of the long running crisis. Zuma has also worked on Angola to move from its supportive position although views that as the long shadow of Nujoma fades in Namibia it will also take the same line, may be a tad optimistic. DRC 'the nasty neighbour' according to one activist's view, would also appreciate stability. This appears to more or less leave Michael Sata of Zambia in a minority of one. It has to be considered, however, that there are internal tensions in South African politics and in the region. Zimbabwe is only one of Zuma's problems — he has many others that will take precedence for him in South Africa and internally in the ANC. SADC pressure is therefore fitful at best. Whilst South Africa and Mozambique have joint leadership, without Zuma, Mozambique does not have the weight, or the clout.

The Heads of Government meeting in Maputo, Mozambique in August 2012 and the African Union meeting in January 2013 was lobbied by civil society to see traction on these issues, but the process remains extremely slow. Regional leaders receiving churches and NGOs lobbying on these issues expressed greater reservations about Mugabe and ZANU-PF, including worries over the vacuum expected

on Mugabe's death. Churches see their task as peace building in a situation of divided communities, but worry that if senior politicians/military get more involved, semi-controlled violence will reignite.

SADC has been only too aware according to a civil society activist in frequent contact with it and after sustained lobbying by the MDC and from Zimbabwean and southern African civil society that it is ZANU-PF that has been dragging its feet on the key issues of the GPA. The SADC taskforce on Zimbabwe set up in June 2011 and headed by South Africa with Zambia and Mozambique has been in and out of Harare, although talks initially deadlocked on security sector reform then ran into rows over the constitution. SADC does not have resources or plans to implement effective monitoring of the election process beyond providing short-term observers (not noted in 2008 as effective). It protested against the 2008 violence but that did not stop the violence; lack of resources is also affected by having to monitor elections elsewhere, for example, the 2012 Angolan elections which stretches SADC's capacity, as activists lobbying SADC in Maputo were told.

7. European Union

The EU made it clear that they did not want all debate on EU-Zimbabwean relations to be hung up around the "measures/sanctions" issues, especially as they accepted that in terms of the political parties, SADC did not see them as a neutral. Brussels would not be demanding that in return for helping fund elections they should be observers (although open to any invitations). However SADC is also aware that an appeal for outside funds (and one they had urged support for) would bring conditionalities and UNDP undertaking an assessment — the former should not be too 'unreasonable'. It was also important for the international community to stick together in relation to what was an acceptable election and having a 'robust observation mission' where they were pinning hopes on a serious SADC mission acting in line with its own protocols.

The EU as well as the Friends of Zimbabwe had raised with the GNU the issues of harassment of civil society and had received the not unexpected answer that civil society had a regime change agenda so should expect scrutiny. EU is also aware that many SADC leaders do not trust civil society/NGOs, although EU expected that

they would also use their NGOs and churches as observers.

8. Conclusion

There is continued violence across the country showing that militias and soldiers continue to be deployed against the population. Despite speculation on an elite deal, there is nothing yet to indicate that any forthcoming election will be any different and given the continuing grip of ZANU-PF over all the ministries and state agencies concerned with 'law and order' and state violence, the evidence all points to the contrary. Mugabe has to take a view at some point on how much he will have to listen to SADC concerns, but the fact that SADC or AU peacekeeping forces have already been ruled out, despite demands for them from elements in MDC and civil society, means he is likely on past form to believe he will not face ultimate challenges.

The situation is currently at stalemate, with no reason other than spasmodic regional, pressure to believe that ZANU-PF would readily implement the GPA agreement since it is entirely against its interest to have a free media, repeal of repressive legislation, reining in of the youth militia, an independent judiciary, and a return to the rule of law. Many activists see 'organised chaos' as a ZANU-PF trademark strategy. If there are to be elections with the structures and capacity and willingness for ZANU-PF inspired violence undiminished, such violence is likely to take place particularly in those areas where ZANU-PF lost support in 2008 and indeed unleashed violence at that time. Outright systemic physical violence has currently been replaced to some extent by intimidation and psychological violence amid a climate of fear. Violence may not remain in one area, but can move around the country as required. ZANU-PF appears confident of undermining the MDCs including the local councils that they control as well as through arrests of MDC MPs and supporters.

Who will inherit the post-Mugabe future? ZANU-PF lacks domestic and international legitimacy and has declining regional support. It also has decrepit party structures, massive unpopularity, and constant battle between factions as Mugabe refuses to nominate a successor. MDC-T appears to have its own similar problems that might weaken its ability to mobilise in the run up to elections, with Prime Minister Morgan Tsvangirai appearing disengaged, while being at loggerheads with the party's Secretary General, Finance Minister Tendai

Biti. The succession question is not just who succeeds Mugabe but whether ZANU-PF can survive as a party. No parties have policies (perhaps excluding the Finance Minister) to overcome multiple crises. Some wait for Mugabe to die as the game changer; others are even vaguer in terms of expecting the unexpected.

Endnotes

1. This report is based on a visit to Zimbabwe during February 2013 and makes use of personal conversations and interviews with local resource persons.
2. "Tsvangirai's four aides finally granted bail", www.swradioafrica.com, 27 March 2012; "Anti-corruption boss languishes in jail", www.dailynews.co.za, 26 March 2013; "Zimbabwe Govt Principals to discuss Human Rights Activists Arrests", www.voazimbabwe.com, 25 March 2013; "Mtetwa condemns her arrest as an intimidation tactic", www.mg.co.za, 26 March 2013; "Zimbabwe referendum marred by intimations and arrests", www.guardian.co.uk, 26 March 2013.
3. Although some have cast doubt on whether the turnout was as high as the authorities claim: Figures given were Yes 3 079 966 and No 179 89 and rejected votes 56 627. Total votes cast 3 316 082 – Government Gazette Extraordinary 26th March, General Notice 201A/2013.
4. At the time of writing ZANU-PF were pushing for 29 June as the date and the MDC for mid-July. SADC appears to have accepted that these elections would not be held after necessary electoral reform and at the moment without the necessary money — of the US\$250 million needed the government only a token US\$25 million was allocated in the 2013 state budget. Mugabe will be very reluctant to accept any conditions for the money being made available — "Cash scuttles election plan"; "Will ZANU-PF play ball?", *Financial Gazette*, 14-20 February 2013.
5. "Zanu PF pushes out Zec boss", *Zimbabwe Independent*, 15-21 February 2013
6. "Voter registration exercise a shambles", *Zimbabwe Independent* 15-21 February 2013.
7. "Politics route to self aggrandisement", *Zimbabwe Independent* as above with ministers demanding massive exit packages.
8. "Bigwigs fight over company seizures", "Indigenisation reduced to a Ponzi scheme", *Zimbabwe Independent*, 15-21 February 2013.
9. "Nieebgate: Zanu PF MPs demand answers", www.dailynews.co.zw, 27 March 2013; "MDC supports MPs calls to investigate Kasukwere [Minister for Indigenisation]", MDC Information Department, 27 March 2013.
10. "Mugabe, Grace, Mutasa and service chiefs remain on EU sanctions list", www.swradioafrica.com, 25 March 2013; "EU trying to divide us: Zanu

- PF", www.newzimbabwe.com, 26 March 2013; "No change yet in US sanctions on Zim", www.news24.com, 26 March 2013.
11. "Britain holds ground-breaking talks with senior Robert Mugabe ally", www.telegraph.co.uk, 26 March 2013.
 12. "Western donors to support Zimbabwe on conditions", www.africareview.com, 27 March 2013; Friends of Zimbabwe 2013 Communique 27 March 2013. Friends of Zimbabwe (aka the 'Fishmongers Group') comprises 22 donors, including the EU, its national states and the USA. The statement did "express concern ... about current harassment of civil society" etc.
 13. "ZACC regrouping", www.thezimbabwean.co.uk, 26 March 2013.
 14. "Mugabe gets away with it again", www.thestandard.zw, 21 August 2012 in relation to SADC not putting concrete mechanisms in place to get the roadmap to free and fair elections underway. See "Zimbabwe Civil society demands to the SADC summit", www.thezimbabwean.co.uk, 17 August 2012.
 15. A local human rights activist told me on 10 February 2013 that the Ministry of Defence had recruited between 8 000 to 10 000 new soldiers driving army strength (for a country with no external enemies) from 38 000 to 47 000. As he pointed out this means there are four soldiers for every thousand of the population compared to one social worker for 75 000, and with the social work department of the University of Zimbabwe having closed down.
 16. "Soldiers rewarded as Tsvangira urges them to stay off politics", www.radiovop.com, 14 August 2012.
 17. Although see "Security chiefs panic", *The Zimbabwean*, 19-26 July 2012.
 18. "Reconciliation — this year, next year, sometime?", *The Zimbabwean*, 24-30 January 2013; "ZANU-PF threatens coup, again", *The Zimbabwean*, 15-21 November 2012.
 19. IRIN. "Corruption feeds on Zimbabwe's poor", 1 February 2013 (This also details demands for bribes to carry out vital medical operations etc. "Come clean on Presidential Inputs Scheme", *The Zimbabwean*, 22-28 November 2012; "ZACC falls short of mandate", *The Zimbabwean*, 15-21 November 2012.
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 21. "Fear grips Zanu PF chefs", www.thestandard.co.zw, 27 January 2013.
 22. "Corruption at the core of Zanu PF", www.thestandard.co.zw, 27 January 2013; "Diamonds bartered for guns — Minister", *The Zimbabwean*, 17-23 January 2013.
 23. "Voter registration activists live in fear", www.dailnews.co.zw, 8 January 2013
 24. Conversation in Brussels with a group of activists, October 2011.

25. See also Combined Harare Residents Association (CHRA) "Violence on the increase as residents turn blind eye on JOMIC", 29 May 2012. CHRA base this assertion of increased violence on a survey (Available at: http://www.crisiszimbabwe.org/index.php?option=com_content&view=article&id=1032%3Achra--violence-on-the-increase-as-residents-turn-a-blind-eye-on-jomic&Itemid=205.)
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27. Cf "Deal with Chipangano", Crisis Coalition, 31 March 2010.
28. Comparable militia have been reported to operate in other towns around the country, namely: Top Six in Chinhoyi, Jochomondo in Hurungwe, Jambanja in Marambapfungwe and Alshabab in Kwekwe, according to the Crisis Coalition. Sokwanele, 18 September 2012. (Available at: <http://www.sokwanele.com/thisiszimbabwe/archives/8089>.)
29. Zimbabwe Briefing, Crisis in Zimbabwe Coalition regional office weekly report, Issue 67, 28 March-3 April 2012
30. Cf "Deal with Chipangano", Crisis Coalition, 31 March 2010.
31. A study of urban land markets shows that the state (and not Harare City Council) now controls most land coming onto urban markets due to the acquisition of farms under Fast Track Land Reform. N Marongwe et al "Scoping Study: Governance of Urban Land Markets in Zimbabwe", August 2011, UrbanLandMark. (Available at: <http://www.afresnet.net/market/Governance%20of%20urban%20land%20markets%20in%20Zimbabwe.pdf>.)
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