

Zimbabwe: Risk Analysis and Scenario Mapping for 2011

The 2008 Global Political Agreement (GPA) between Zanu PF and the two formations of the Movement for Democratic Change (MDC-T and MDC-M) ushered in a power-sharing government and averted a complete political and economic collapse of the state. However, significant challenges, sharp disagreements and waning political will to enforce the agreement among the three principal parties have paralysed the inclusive government. Zimbabwe remains deeply polarised with the GPA teetering between collapse and continued stalemate.

The following analysis will examine four risk areas vital to Zimbabwe's transition: democracy and human rights; active citizenship; social and economic justice; and peace and conflict transformation. Finally, likely political scenarios, based on analysis and interviews, will be discussed.

Risk Area: Democracy and Human Rights

Zimbabwe is embroiled in a low-intensity conflict. The current power-sharing dispensation is untenable and has failed to achieve the desired and necessary institutional transformation that would ensure democratisation of the state.

South Africa is the guarantor of the GPA. Through shuttle diplomacy and pressure on the three principal parties, the Zuma presidency has kept the inclusive government from collapse. South Africa is pushing the principal parties to agree to an election "road map" that will pave the way for credible elections. Reforms to be included are the drafting and ratification of a new constitution and a revised and updated voters' roll, amongst others. Yet, major "unknowns" could derail the process, including an irascible President Robert Mugabe and an increasingly empowered and emboldened security sector.

The GPA mandated constitutional reform as part of a move towards elections for a new and legitimate government. The constitutional outreach process involved approximately 4,000 public meetings with 700,000 Zimbabweans. A range of reports acknowledged widespread intimidation and sporadic violence in this process with meetings in Harare and Bulawayo facing significant governmental interference. A new constitution "owned and driven" by the people is intended to not only deepen democratic values and principles, but limit executive influence and engender a political environment that is conducive to fairer competition and contains checks and balances. However, the final version of the constitution that should be put to a referendum is likely to be a negotiated document between the MDC and Zanu PF with the concerns of the people taking a back seat.

Violence and impunity are deeply ingrained within Zimbabwe's political history. The rule of law and human rights are not respected. Widespread political and economic instability and a lack of coordination and action by regional actors responsible for monitoring the implementation of the GPA have further hindered reform. The formerly independent judiciary is highly politicised and is no longer able to check or restrain governmental abuses of power. The courts have often upheld egregious legislation that significantly undermines basic human rights; for example, land seizures have been sanctioned and the denial of fair trials and illegal detentions of human rights defenders and journalists have been upheld. Some judicial decisions to

rebuke the state, particularly those of the High Court, are not always enforced by the police or military, fostering a deep sense of defencelessness as there are no alternative means to seek justice.

Human rights defenders and political opposition continue to be threatened by arbitrary arrest and detention, disappearances and state-sponsored violence. Police generally employ considerable force and engage in torture. Increasing militarisation of public and private space is a worrying trend. Despite greater MDC oversight and international pressure, Zanu PF and the security sector have embarked on campaigns of intimidation and violence, targeting the general population, to entrench constant fear and uncertainty ahead of the imminent elections.

From a stakeholder perspective, the key threats to democracy and human rights include:

- State repression of political and economic opposition;
- Increasing militarisation of public and private space;
- Threats of political violence and intimidation;
- Insufficient electoral reforms;
- A prejudiced and ineffective judiciary and disregard for the rule of law;
- The inability of civil society to advocate for human rights;
- A lack of regional and international pressure and oversight to ensure compliance with the GPA

Risk Area: Active Citizenship

Zimbabwe's labour movements, historically a pillar of Zimbabwean civil society, dramatically shrank or collapsed as unemployment skyrocketed during the country's severe economic crisis. Forced into the informal employment sector, many were too intimidated to reorganise for fear of further state-sponsored repression, as was seen in *Operation Murambatsvina* in 2005. Even with the opening of political space in 2008 that created an environment more conducive to civil society holding the inclusive government accountable and supporting various humanitarian assistance tasks, some citizens and indigenous organisations have continued to exercise restraint and even self-censorship for fear of prosecution under the 2004 NGO Act (see below) and similar restrictions.

Donor funding has largely been channelled toward humanitarian assistance, leaving many civil society organisations, particularly those focused on good governance and human rights, with severe deficits. Funds have been withheld by many international governments in the hope that the Zimbabwean government will institute enough reforms for relations to be normalised so that funds can be channelled through the government.

Draconian legislation like the 2004 NGO Act, AIPPA (Access to Information and Protection of Privacy Act), POSA (Public Order and Security Act), the Broadcasting Services Act and the Private Organisations Voluntary Act are being used to intimidate and stifle human rights defenders, journalists, political opposition and citizens who oppose Zanu PF and its policies. Zanu PF has led a highly publicised campaign blaming civil society for Zimbabwe's economic and political troubles, and thereby justifying its increased pressure and interference.

Zimbabwe's provinces, districts and wards are subjected to varying circumstances that may make it easier or more difficult for civil society to operate. Mashonaland Central, East and West remain challenging while Matebeleland is more accessible. Furthermore, a revival of the Zimbabwe African People's Union (ZAPU), factionalisation within Zanu PF and the establishment of various war veterans associations have hindered Zanu PF's ability to instigate campaigns of intimidation and violence in the south of the country. The fissures on the local level create space that civil society can fill and make an impact. Specifically, creating links and opening dialogue among faith-based organisations and local businesses could pave the way for civil society to merge various concerns and apply greater pressure on local authorities for change. Youths and children make-up a significant portion of the population and should be viewed as agents of change. Young adults need to be encouraged to participate and buy into Zimbabwe's future. Civic and human rights education amongst youth is key. Education should encourage participation and allow individuals and groups to express their personal and shared experiences in the context of human rights.

However, insufficient capacity has hindered the growth and organisational capacity of many civil society organisations. For example, the average time staff remain employed in the NGO sector in Zimbabwe is two years. This is not nearly enough time to develop the expertise and skills to undertake the huge tasks at hand. Like many teachers, doctors and nurses, NGO workers have left Zimbabwe to seek greater pay and benefits abroad, as well as a safer future. Many organisations fail to articulate positions or engage in action necessary for long-term progress. They are often limited in scope and fail to link up with similar partners.

From a stakeholder perspective, the key threats to civil society include:

- Repressive legislation, including restrictions placed on freedom of assembly and speech;
- A lack of unbiased information for citizens;
- NGO self-censorship;
- Uneasy civic and opposition alliances;
- Fractures in civil society along ideological and political fault lines;
- Insufficient capacity and advocacy skills.

Risk Area: Social and Economic Justice

Economic growth and stability are linked to political stability. Zimbabwe's economic recovery has emerged as the greatest benefit from the political détente of 2009. Since the incorporation of the inclusive government, the economy has moved from near collapse to a growth rate of 4.7 per cent in 2009; a trend that continued throughout 2010.

However, there are several factors that threaten this economic stability and prosperity. While analysis has often focused on land distribution and ownership, with previous violent land appropriations having now been codified in the GPA, other issues are emerging as crucial and potential obstacles. They include the Indigenisation and Economic Empowerment Act, military infiltration into the economy and migration. Additionally, MDC control over some government ministries, including the Ministry of Finance, as well as restrictive measures that target individuals responsible for

human rights abuses and corruption, have failed to close many channels of patronage that are vital to Zanu PF's survival.

Zanu PF has tried to portray the Indigenisation and Economic Empowerment Act as a necessary means to regulate the transfer of ownership and management of natural resources and companies; often comparing it to "successful" land transfers initiated by the party. Forty per cent of these "successful" land transfers were appropriated by Robert Mugabe and his allies. It is likely that the Indigenisation Act will do the same. As a direct result, foreign investment is being withdrawn or withheld; ultimately hurting the average Zimbabwean by maintaining unacceptably high prices of goods and hampering the economic growth needed to create new jobs.

The military's redeployment to the rural areas in support of Zanu PF is complemented by its greater role in the country's economic management and exploitation of natural resources. A number of high-ranking military officers are in managerial positions within state-owned parastatals. The military's direct role in the Chiadzwa diamond fields, best noted in *Operation Hakudzokwi*, indicates how far the state is willing to go to take control of new sources of revenue. Smuggled diamonds are suspected to have yielded significant income that has bypassed the state and directly support members of Zanu PF; money made from the illegal diamond trade will play a vital role in Zanu PF's preparation for new elections.

Zimbabwean unemployment estimates vary between 80 and 90 per cent, with youths disproportionately affected. Little movement toward greater economic reforms as well as declining economic freedoms affecting both individuals and businesses led the World Bank to downgrade Zimbabwe's rank on the Bank's Doing Business Index, a key source of analysis for international businesses seeking to expand and invest in foreign countries, to 157 out of 183 countries. Zimbabwe's low ranking reinforces a widely held perception that the country is hostile to business.

Migration and the HIV/AIDS epidemic have applied great pressures on the family unit. Many orphaned children have either had to be cared for by grandparents or have had to become the sole source of care for younger siblings and the extended family. UNICEF estimates that there are over 50,000 child-led households in Zimbabwe with an average of over 100,000 children living without parental supervision. A rise in both women- and child-led households has increased specific vulnerabilities; including food security, access to educational opportunities, access to healthcare and protection from abuse and exploitation. Vital professionals, especially healthcare workers and educators, left the country en masse as the Zimbabwean dollar collapsed, leaving many desperate Zimbabweans in an even more precarious situation.

In the last decade, poverty has dramatically increased as political instability and the manipulation of the economy – specifically the violent fast track land reform programme, state interference with foreign exchange and price mechanisms and endemic corruption – engendered a flight of foreign capital and domestic wealth that was responsible for the near total collapse of the Zimbabwean economy. The international community as well as development and humanitarian organisations have been slow to reengage the government of Zimbabwe, with many vital services funded by international bodies having been cut back or withdrawn. The withdrawal of bilateral aid, a significant decrease in Official Development Assistance (ODA) and

state inefficiency and corruption undermine the government's capacity to deliver basic services to poor communities and rehabilitate collapsed infrastructure in the wake of hyper-inflation and the economic collapse.

In Zimbabwe, women remain marginalised and continue to face discrimination at all levels, particularly with respect to control and ownership of economic resources and positions in decision-making processes. Zimbabwe signed the Maputo Protocol that, *inter alia*, stipulates that women and men will be equally represented in the public sector by 2015. However, women remain underrepresented in politics. Only four of the 35 cabinet posts are currently held by women. In the legislature, 15 per cent and 24 per cent of the seats in the upper and lower chambers respectively are held by women. As such, women's participation in the inclusive government, including the Organ on Nation Healing, Reconciliation and Integration, has been minimal and it is unlikely that women's concerns will be properly addressed. Additionally, the security sector is dominated by men.

Often overlooked, it is within the family unit where children are socialised into developing attitudes and behaviours regarding gender. Autocratic and violent tendencies that define the family unit penetrate social and political institutions, ingraining a culture of violence. Zimbabwe's family code is highly limiting to women and grants them very few rights. Civil marriage grants equal parental rights to both men and women. However most families are patriarchal with widows and girls often unable to inherit from their spouses or fathers. Credit to purchase land or property is curtailed and made almost impossible to attain.

From a stakeholder perspective, the key threats to social and economic justice include:

- The impact of International Financial Institution (IFI) policies and ODA constraints;
- Threats of further indigenisation of land and private business;
- The collapse of infrastructure;
- A lack of gender-based knowledge, issues and rights;
- An inadequate policy framework, statutory and customary, to protect and advance gender equality.

Risk Area: Peace and Conflict Transformation

The GPA makes a weak reference to national healing; however, the exact mandate, role and function of the Organ on National Healing, Reconciliation and Integration responsible for recommending a mechanism to be used in seeking accountability and justice for past crimes is weak. Zanu PF has a strong influence over state resources, control over the security forces, as well as other informal means of influence and disruption at their disposal. With many perpetrators occupying positions of power, including those able to determine when to use force, true accountability and prosecution of offences remain unlikely.

Zimbabwean civil society has been vocal about seeking justice for crimes committed by the government since independence. To be effective, civil society must be able to debate and discuss crimes committed and possible acts of justice in a secure environment. Dialogue with all political parties and amongst the political parties themselves must set the course and tone of national healing. The judiciary is a key

component of any process. However, its current composition is likely to yield little credibility to any such process. The current Zimbabwean atmosphere is not yet conducive to any of these preconditions.

Actions to seek accountability and truth recovery in support of a future transitional justice process, like those taken in Brazil and Guatemala, could be begun now. Civil society can engage the local level (wards and districts) to lay a foundation for greater engagement on the national level. Civil society organisations must collaborate. Media reports and first-hand accounts of abuses and atrocities will need to be verified and captured. Many civil society actors have demonstrated strong documentation capacities, but have not been able to disseminate their findings to effectively reach a wider audience.

From a stakeholder perspective, the key threats to peace and conflict transformation include:

- Embedded polarisation and fragmentation of state and social institutions;
- Zanu PF control of the judiciary, military and other state institutions.

Scenario Mapping

Uncertainty over elections and the fate of constitutional reform, security sector reform as well as approaches and commitments made by the Southern African Development Community (SADC) and the international community are rapidly shaping Zimbabwe's political environment. This section offers a glimpse of possible scenarios that may unfold in Zimbabwe.

Key players within Zanu PF, specifically Defence Minister Emmerson Mnangagwa and Vice-President Joyce Mujuru, are currently hedging their political bets for assuming power after Mugabe. Joyce Mujuru and her husband, Solomon, are exploiting close links with members of the business community, many of whom are Mujuru loyalists. It is in their best interests to maintain the inclusive government and not hold elections. They may also gain the support of many MPs who also do not want elections in 2011 as their terms would be cut short.

However, an immediate election would allow the reconfiguration of parliament which could elevate Mnangagwa to the post of Deputy Vice-President. Mnangagwa is widely believed to be the only person who has the ability to guarantee the security and interests of the state military and security apparatus; a key factor in understanding the military's influential meddling in the country's electoral process.

Mugabe's dismissal of constitutional reform as a prerequisite for elections has raised serious concern. Without a new constitution, the political and electoral environments will continue to favour Zanu PF and any election result will therefore be questionable.

If a referendum is to take place, there are two scenarios that may play out. First, a constitutional referendum based on a negotiated and compromised document that yields a yes vote will postpone general elections so reforms can be implemented. There is the potential for political support for MDC-T to increase while support for Zanu PF weakens. Civil society and the opposition will have an opportunity to challenge Zanu PF and carve out space in the political process; Zanu PF will have fewer chances to manipulate an election in its favour.

Secondly, continued pressure from the SADC on the three principal parties to implement a “road map” has yielded few results and Zanu PF has now refused to abide by such an agreement. Further political stalemate and a stalled SADC mediation process would encourage Zanu PF to put forward a pro-Zanu PF draft constitution for a referendum that is likely to be rejected, in a scenario reminiscent of 2000. Elections would take place under the Lancaster House constitution which would maintain an unfair and un-free electoral environment that favours Zanu PF; there will be a strong likelihood of political violence. This could yield two results. First, it could produce a second GPA and inclusive government. Restrictive measures will be strengthened, further entrenching the security forces and resulting in intensified repression. Opposition will not be tolerated in any form. Alternatively, Zanu PF could lose the election but refuse to relinquish power as it did in the Presidential Election of 2008, or like we have also seen in countries like Côte d’Ivoire. The military’s role would become vital in maintaining Zanu PF’s grip on power and quashing any form of opposition or dissent. Zimbabweans’ apathy will increase and another great migration will commence. The economy will once again become very unstable and most likely collapse.

The African Union (AU), SADC and international community possess the potential to shape the electoral environment. A synchronised and public message must be developed and should state that an electoral outcome will not be accepted if an election “road map” that seeks reform is not adopted and that reform measures must be tested on the ground. As previously seen, depending on the scale of violence and electoral fraud, member states of the AU, SADC and the international community may not reject an election that is not completely free and fair. The implications of, yet again, rewarding politicians who have subverted the will of the people with political office will encourage undemocratic behaviour and ultimately undermine security and stability.

The roles of the SADC and international community are also crucial for security sector reform. As the designated SADC mediator, South Africa needs to clarify the role of the military and other members of the security sector, targeting specific elements that pose threats as spoilers. South Africa must engage the international community to ensure that its concerns are incorporated into any future “roadmap” and to continue on the path to normalisation. Failure to do so leaves the possibility for a coup d’état in the event of Mugabe’s death or a Zanu PF defeat at the polls. Greater selective targeting of individuals and businesses in restrictive measures schemes may be able to pacify some elements within Zanu PF and the security sector. Once again, the SADC and members of the international community must come together and agree on a synchronised and public message that will engender concerted pressure on Zanu PF and the security sector to embrace and enact reforms.

The political environment will remain fragile and highly susceptible to both internal and external forces and pressures, making it difficult to strategise. Concerted regional and international pressure on the principal parties offers the best chance to keep the parties on a path toward greater stability and democratisation, however this has not happened. What can be stated with certainty is that Zimbabwe’s current power-sharing paradigm is no longer able to carry the transition forward and is unlikely to last beyond 2011.