



Land reform, sanctions, regime change, and sovereignty

One of the enduring problems of the Zimbabwe crisis revolves around understanding the meaning of the terms employed by the respective protagonists to describe the crisis, whether they are Zimbabwean, African, or Western. It is not a simple problem of semantics, but reflects deep ideological differences between the perspectives and reflects the entrenched and polarized positions between the protagonists. It is not helped by the continual over-simplification of the terms applied, and especially the too easy acceptance of these over-simplifications by far too many people. It is more than mere language that complicates the problem, but, however, it is the too frequent resort to an over-simplified language that attenuates the problem.

No terms have been more abused or deliberately misunderstood than *land reform*, *sanctions*, *regime change*, and *sovereignty*, and especially because these terms have become inextricably inter-locked in the highly successful propaganda war mounted by ZANU PF for more than a decade. These terms have become the battleground against which all have been drawn in: like moths to the flame, Africa has found itself in conflict with the West, and, as much as the West has attempted to change the dialogue, the Western nations have found it impossible to do this.

De-constructing the ZANU PF position around these terms is relatively simple: *land reform* leads to Western-imposed *sanctions*, which leads to the desire by Western nations for *regime change* through elections, and that now means that Western puppets [and even now SADC] are planning to interfere with Zimbabwe's *sovereign* status. And it is breath-takingly simple to run a campaign using this framework, and so extremely difficult to argue against such evocative rhetoric using fact and logical argument. Only those that are prepared to work very hard at a nuanced understanding of the Zimbabwe crisis will perceive the crudity of the argument, and, as always with fascist propaganda, nuanced argument is trumped by the power of endless repetition. It is also trumped by the wholly skewed media platform that allows ZANU PF (and not the government, the Inclusive Government) the ability to endlessly repeat their over-simplified rhetoric. It is finally trumped because like all good propaganda there is enough of an element of truth to make the propaganda effective, and the further one is away from the immediacy of Zimbabwe – in Lusaka, Lilongwe, Windhoek, etc – the more that element of truth is likely to seem plausible. No-one should be naïve enough to assume that this propaganda campaign is a tissue of lies, or that Robert Mugabe's inveighing against the West is without merit: the messenger may be without merit, but the message is not wholly without real power.

Nor should the power of repetition be under-estimated locally, in Zimbabwe and in the SADC region. According to the latest opinion poll on Zimbabwe, 63% of ordinary Zimbabweans now believe that *sanctions* are harming Zimbabwe and should be removed¹. However, it would be instructive to inquire from these same Zimbabweans what they actually knew about sanctions, what form they take, why they were imposed, etc. It is a fair bet that the vast majority is largely clueless, but this matters little in the contest for political power, and the *sanctions* petition can bludgeon Zimbabweans further into believing

¹ Freedom House (2011), *Changing Perceptions in Zimbabwe - Nationwide Survey of the Political Climate in Zimbabwe November 2010-January 2011*. Report by Susan Booyesen. 4 March 2011.

the rhetoric. Zimbabweans may not like Robert Mugabe and ZANU PF, but this does not mean that they do not believe that he and ZANU PF have brought the wrath of the world upon them, and that they are suffering as a consequence of the sanctions imposed: that they suffer as consequence of bad governance is true².

However, whilst it is easy to see the reductionism in the ZANU PF argument, it is not so easy to provide a simple refutation, and it is not enough to simply point out the human rights abuses, the demolition of the rule of law, and the unrestrained corruption without dealing with many more fundamental and complex political matters in the Zimbabwe crisis. Opponents of ZANU PF tie themselves in knots and vast screeds of writing in order to refute the simplified rhetoric, and ZANU PF quite simply deals with all the reasoned arguments by calling them lies or actions ordered by Western paymasters in defense of their local stooges³. The first rule of effective propaganda is to get there before anyone else: make the claim or the accusation, and then let those that follow refute these, and no claim by ZANU PF has had greater had greater power in the SADC region and in Africa generally than there is a Western plot for *regime change*. This is true, but not for reasons that ZANU PF proffers, and not a plot but a response to bad governance and the illegitimate control of political power, obtained through fraudulent elections.

However, *changing regimes* is what political life is about, and one of the great evolutions of political life was the notion that control of the state could be obtained through election rather than by conquest through violence. Nowadays regimes change all the time. In Britain, the Labour Party regime led by Blair, and then Brown, was overthrown in a general election, and, in the United States, the Bush regime by Obama. In modern, democratic political life, there is the expectation that regimes will change all the time. The important issue is *how* a regime is changed, which everybody in the modern world understands, and, in Zimbabwe, is a major point in the contest between ZANU PF and everybody else. Zimbabweans have explicitly chosen to *change regimes* by peaceful means, but this has increasingly become a more desperate choice, and, in the wake of the North African revolutions, there is a sense in which people have begun to see alternatives to elections. After all, there was a clear result in March 2008 which vanished in the charades over vote counts: few did not believe that Morgan Tsvangirai had not won a clear majority, but, without being able to see the actual vote count for the Presidential poll, everybody had to accept a re-run, a violent, discredited election, and finally a government of national unity⁴. All commentators currently accept the *fait accompli* of the March 2008 elections: that without a transparent count of the results of the Presidential poll it is not possible to refute the general feeling that Morgan Tsvangirai did get a clear majority. This was, and will be (unless SADC can change the rules of the electoral game) the inevitable consequence that flows from the refusal by ZANU PF to accept a possible loss in an election.

² For a nuanced and comprehensive analysis of the sanctions issue, see IDASA (2011), *Restrictive Measures and Zimbabwe: Political Implications, Economic Impact and a Way Forward*. Report prepared by Bryan Sims & Sidney Masamvu. PRETORIA: IDASA.

³ For example, according to the "Road Map" recently made available in the press, ZANU PF deals with the claims that the military are partisan to ZANU PF's interests by simply stating that they want evidence. This despite the vast number of reports alleging this, and even the thousand or so civil suits mounted in Zimbabwean courts by the victims of violence at the hands of the police and army.

⁴ SITO (2008), *The Inconvenient Truth. A complete guide to the delay in releasing the results of Zimbabwe's presidential poll*. Prepared by Derek Matyszak of the Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA; SITO (2008), *THE INCONVENIENT TRUTH (PART II). A complete guide to the recount of votes in Zimbabwe's "harmonised" elections*. Derek Matyszak, Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA; Matyszak, D. (2008), *Opinion on the legality of the presidential election which took place in Zimbabwe on June 27th 2009, and the legitimacy of any incumbent assuming office on the basis of the result of such an election*. SITO: IDASA.

Accepting loss of power is perhaps the single most important core feature of democracy. Whatever definition of democracy is chosen, a definition that does not include the voluntary acceptance of loss of power through public disapproval in an election will almost certainly always lead to violent conflict: we have witnessed this in terrible fashion in the Ivory Coast right now. This is also the stark reality of Zimbabwe's own history (the major reason why Zimbabwe came into being through a bitter war was because of the majority of the nation being denied access to the ballot) and is the fundamental political problem alluded to above: how to change a regime without having to resort to regime change, and this requires that all parties to the political equation agree that they can lose.

And, of course, all Zimbabweans know this: it is amplified in every opinion poll carried out over the past decade. Zimbabweans understand what modern democracy is, desire it for their nation, are pessimistic that they will ever get democracy, but repudiate autocracy, military rule, violence as a method of political argument, corruption, and restrictions on their personal freedom. But the voice of the ordinary Zimbabwean citizen for the right to simply choose their leaders has been drowned by the incessant propaganda, and the impotence of those who should understand best (our Southern African neighbours) to allow a more complex response to the prescription of reality propagated by ZANU PF.

Let's start with *land reform*. There are no sensible arguments against the claim that the land was taken by conquest, racially divided in an unfair fashion, allowed to mostly continue as such after Independence, and had not been properly addressed - for whatever reason - by the late 1990s. The allocation of land has been a deep source of discontent from the beginning of the occupation of Mashonaland. And nobody in Zimbabwe denied this, or has denied it, although Rhodesia fought it tooth and nail.

However, it is also clear that, even before 2000, the land issue was less important to the overwhelming majority of Zimbabweans than a large range of other socio-economic matters: jobs, education, health, food, these were the preoccupations of the majority. It still is today as the latest opinion polls show. Considerably less than 10% of adult Zimbabweans think (and thought) that land was an important problem, and yet ZANU PF managed to turn it into both an effective platform for winning elections and obtaining support for its policies, and its electoral victories, from most of Africa and a significant number of other countries in the world. The rhetoric was not wholly successful because it was repudiated by significant numbers of Zimbabweans, who rejected the land reform and challenged the validity of elections. It was also seriously damaged by the decisions of a regional court, no matter how hard ZANU PF has tried to avoid the findings of the SADC Tribunal.

So when ZANU PF claimed the historical necessity of *land reform*, others claimed it was a gambit for winning elections. It is sufficient here to merely point out that *land reform* in reality did actually result in the disenfranchisement of potentially hundreds of thousands of voters (and massively commercial farm workers), numbers sufficient to change a regime. Intended or not, it is the fact that *land reform* changed the character of elections in 2000 and 2002. And far too many commentators accept this, seeing rather displacement (and not disenfranchisement) as simply collateral damage for necessary socio-political reform⁵.

However, it was elections in the main that led to Western disapproval: from the Commonwealth to the EU and the US, there was stern criticism over the conduct of elections in 2000 and 2002. It was mainly elections that led to Zimbabwe's suspension from the Commonwealth, not the utter disregard of the

⁵ See, for example, Scoones, I. (2009), *Land and Livelihoods in Zimbabwe*. 5 October 2009. (<http://www.ids.ac.uk/go/news/land-and-livelihoods-in-zimbabwe>); Moyo, S., & Yeros, P. (2009), *Zimbabwe Ten Years On: Results and Prospects*, CONCERNED AFRICAN SCHOLARS, 16 March 2009.

concerns of the Commonwealth through the Abuja process⁶. It was elections more than the failure to honour the conditions of the Cotonou Agreement that led to the restrictions by the European Union on travel⁷. It was elections that led to the US Congress passing ZIDERA, and the US President imposing sanctions. But it was the incompetence of the government, long before *land reform*, in managing the economy (and its debts), that led the World Bank and the IMF taking punitive action against Zimbabwe.

The endless banging on about *sanctions* has, however, been a much more successful a gambit than *land reform*, at least within Zimbabwe and Africa. As pointed out earlier, 63% of Zimbabwean citizens now believe that *sanctions* are harming the country and should be removed. It has become a central issue in stalling the implementation of the Global Political Agreement, a reason for ZANU PF refusing to deal with the 24 outstanding issues, a reason for the impotence of SADC in forcing implementation, and is now the central feature of ZANU PF's burgeoning electoral campaign.

So, *land reform* as an attack on property rights leads to *sanctions*, and elections become the method of *regime change* with a direct attack on Zimbabwe's *sovereignty*: this is the ZANU PF litany. There is an alternative perspective: that *land reform* is a smokescreen for violent electoral fraud that evokes the withdrawal of development assistance and budgetary support, the imposition of *restrictive measures*, and some *sanctions*.

Nonetheless, ZANU PF has been highly successful in arguing that its enemies rejected the results of elections because of its *land reform*. This is still accepted as fact by the citizens of many African countries, and certainly not denied (until June 2008) by many of their governments. It is a short step for ZANU PF to then argue that the focus on elections (and human rights, rule of law, etc) is a *regime change* agenda by the West. In the wake of Iraq and Afghanistan, and with the more general and widespread criticism about the exploitative nature of Western policies of democracy enhancement allied to development assistance, with the tacit principle of *regimes changing* regularly, albeit through elections, ZANU PF's argument has a grain of truth in it. However, it is also the case that ZANU PF consistently blurs the distinctions between *state* and *regime*, most probably because they, after 30 years of absolute power, cannot make the distinction themselves any longer. ZANU PF manages to conflate *state* and *regime* so successfully that few in Africa seem able to see that the major problem in Zimbabwe is that the *regime* refuses to give up control of the *state*: the problem is not with Zimbabwe and its citizens, but with a political party that cannot conceive that it is not the *state*, and that it is ZANU PF that is *sovereign* rather than the state: this is a sovereignty that is without exception or limitation.

It matters little, thus, that ZANU PF governments signed up to the Harare Declaration (and its extensions), the Cotonou Agreement, the SADC Treaty, and a whole plethora of UN Conventions and Declarations. It matters little that ZANU PF ignores its commitments under all these agreements when it suits its purpose. ZANU PF has also ignored the judgements and recommendations of both the SADC Tribunal and the African Commission on Human and People's Rights with little response from Africa as a whole.

⁶ Zimbabwe Human Rights NGO Forum (2007), *Revisiting the Commonwealth and Zimbabwe: What is to be done? An Assessment of Zimbabwe's Performance since its Withdrawal from the Commonwealth & Suggestions for Re-engagement by the Commonwealth*. February 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁷ Zimbabwe Human Rights NGO Forum (2006), *Zimbabwe's Failure to meet the Benchmarks in the Cotonou Agreement*, November 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

It seems to matter little to Africa that Zimbabweans have consistently rejected ZANU PF's litany about overthrowing the state, and instead demonstrated through the ballot that they merely wished to *change* the *regime* that ran the state. For all Zimbabweans other than ZANU PF and its supporters, a desire to *change* the *regime* is merely to vote for a different political party to ZANU PF. However, if the loser will not accept loss, then the ugly spectre of *regime change* has to rear its head, and talk can turn to *coups*. It can be debated, however, that Zimbabwe has already experienced a "*silent coup*" through the subversion of the March 2002 election.

However, revolution in the North African style is not on the Zimbabwean agenda, despite ZANU PF's and now SADC's paranoia. And North Africa is not the example we should be studying, but rather the Ivory Coast. It is not revolutions in North Africa that should be a concern for SADC and the AU, but the coup in the Ivory Coast, although the AU and ECOWAS studiously avoided the word, which might not be expected from even a cursory examination of the AU Constitutive Act⁸.

The AU Constitutive Act enshrines the sovereignty of all member states, but also states that this can be disregarded in any of three situations – war crimes, genocide, and crimes against humanity. The rationale after the Rwanda genocides and the DRC war seems obvious, and it does not seem problematic to understand when one African country goes to war or attacks another and crimes are committed; nor does it seem difficult to understand when genocide is taking place, even though we have the controversy over Somalia. The question of crimes against humanity is a little more vexed, and has frequently been alleged in respect of Zimbabwe without any traction.

But coups are altogether a different type of problem, especially when the crisis revolves around an election rather than the military directly taking over government.

Going back to the Ivory Coast, it seems that a coup had taken place. There had been a peace treaty ending conflict, and an agreement to hold elections. The Ouagadougou Agreement in 2007 involved a commitment to a transitional process ending in elections. This led to a tortuous path towards elections, with many postponements and very little sense of any cohesion in the transitional arrangements. But finally an election took place, and the results were accepted by all except Laurent Gbagbo and his supporters, including the army. Now, did this refusal to concede defeat constitute a coup? Or was this merely an electoral dispute needing a recount as initially suggested by South Africa?

ECOWAS initially behaved as if this was a coup and demanded that Gbagbo concede power, and even threatened military intervention, as would be suggested is possible by the AU Constitutive Act. There surely was no war between Ivory Coast and any other country, nor was there any suggestion of genocide. So it can only be that Nigeria and ECOWAS believed that a coup, as refusal to accept the result of an election, would justify a military action against Gbagbo. There was at least unanimity in the AU that Gbagbo should step down, which he refused, and was finally removed by force of arms, but not without serious violence affecting the whole country.

The events in Ivory Coast have many similarities to Zimbabwe in March 2008, but there are some stark differences too. Clearly there was a decided result in the March election for all to see: MDC-T had a parliamentary majority and Morgan Tsvangirai similarly had won the presidential poll. However, SADC was confused by the wholly illegitimate maneuvers of ZEC, and allowed a run-off for the Presidency: South Africa did not ask for a re-count for this election it should be noted, nor did it require publication of

⁸ See, for example, Article 30 [Suspension]. "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union".

the detailed results for the Presidential poll as had been the case for all the other polls in the Harmonised elections⁹. SADC could also have told Mugabe and ZANU PF to bite the bullet and concede in the interests of *regional stability*, but they didn't!

So Zimbabwe gets the GPA and a government of national unity, the result that Thabo Mbeki had been pushing for since 2003. However, the GPA was horribly flawed and did not address the fundamental problems, the most serious being that the parties, and especially ZANU PF, were little interested in power sharing. MDC-T was not greatly interested, knowing that they had accepted a poor compromise after obviously having won political power in March 2008. ZANU PF was little interested because it had no intention in sharing effective political power – the security forces in particular – and knowing that the final end had to be an election, and probably an election that they could not win if the GPA were to be implemented properly.

When SADC eventually understands the problem, it now insists that there be proper elections, and ZANU PF immediately responds, no matter how they try to cover this up, by seeing the Troika resolution as an attack on Zimbabwe's *sovereignty*.

This will always be the trump card in the ZANU PF propaganda pack: *sovereignty*. Whenever any of the other cards played fails, ZANU PF plays this one, and it was played again in the aftermath of the SADC Troika meeting in Livingstone. Now, it matters not that Zimbabwe has voluntarily agreed through the signing of all the treaties, conventions, agreements, and the like to limit its *sovereignty*, if an international undertaking discomferts ZANU PF it will raise the *sovereignty* argument. And essentially this means that, if any international undertaking or agreement is in conflict with ZANU PF's current interests, it will be repudiated without hesitation.

Thus, we wait, in the aftermath of Livingstone, to see whether SADC will ratify the Troika decision, be able to send in a monitoring team, and whether this team will be able to act with full independence. Given ZANU PF's general aversion to being held to agreements, we will be amazed if SADC manages to overcome the *sovereignty* principle. However, if political parties, civics, labour, churches, and the like, support strongly the Troika decision, then perhaps for the first time ZANU PF will have to accept that it is a member of the international community and obliged to adhere to common standards, including accepting a loss at the polls. And there is no more certain result, in a genuine election, than ZANU PF will have to accept loss, and a loss that has been avoided since 2000.

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⁹ It was noteworthy that detailed results were for every constituency in the House of Assembly, Senate, and local government elections, but only provincial aggregates for the Presidential poll.