# On the nature of war and Zimbabwe

**A P Reeler, Research and Advocacy Unit [RAU]**

> ***"For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace."***
> ***Thomas Hobbes. (Leviathan. 1667)***

How little things change? Hobbes' observation holds as true today in Zimbabwe as it did in England in the seventeenth century: peace and war are distinguished not only by active violence, but the propensity to advocate and prepare for violence as opposed to the propensity to peace. The state of affairs is judged also by the words used by those engaged in politics: it makes a world of difference whether one describes those with whom we differ as opponents or enemies. And herein lies the dilemma of Zimbabwe currently.

It is not only a current problem, however, and also not a problem peculiar to Zimbabwe. As Moeletsi Mbeki pointed out in 2003, and several times subsequently, one of the fundamental problems of Southern Africa - and Africa generally – is the failure of liberation movements to transform themselves into modern political parties. The legacy of commandist, centralised power is hard to shake off, as is the easy means-end recourse to violent solutions and the use of military and quasi-military force. Zimbabwe is by no means unique here, but the accumulating evidence suggests that Zimbabwe is considerably more sophisticated in the maintenance of struggle strategy and tactics than most African countries to date. Indeed, Zimbabwe is probably the most sophisticated example of what Thomas Carothers has termed "*dominant power politics*"[1], with the entrenchment of an elite, limited space for opposition political parties, and the maintenance of power by the elite through manipulated elections.

However, in Zimbabwe, it is the continual adherence to the philosophy and methodology of liberation (and armed struggle) that epitomises ZANU PF's approach to politics. As Chenjerai Hove once facetiously put it, "*you can take ZANU PF out of the bush, but you can't take the bush out of ZANU PF*". However, this is no joking matter, and especially when the GPA is limping into oblivion (mainly due to ZANU PF obduracy), and the nation must face the prospect of an election sooner rather than later: whether Zimbabwe gets a new constitution or not, the political crisis will have to be solved by an election, with all the attendant fears of yet another violent replay of 2008, 2002, and 2000.

Thus, the process since the signing of the GPA and the setting in place of the GNU is highly instructive when set against the events of the past nine years, and certainly the past nine years must be

1 See Carothers, T., 2002. *The end of the transition paradigm, Journal of Democracy,* 13:1, 5-21.

considered as relevant, for it is politically naive in the extreme to assume that the situation in Zimbabwe is *de novo* since the signing of the GPA. The GPA was in fact supposed to address all the problems that have emerged since 2000. This is first recognised in the Preamble to the GPA:

> *DEDICATING ourselves to putting an end to the polarisation, divisions, conflict and intolerance that has characterised Zimbabwean politics and society in recent times.*

This is, of course, a frank admission that, no matter of obscurely couched, Zimbabwe currently is marked by *polarization, divisions, conflict,* and *intolerance.* This is reinforced in the positive later in the Preamble, but again this impliedly notes that *violence, fear, intimidation, hatred, patronage,* and *corruption* exist and must be replaced, as is again noted in the Preamble to the GPA:

> *DETERMINED to build a society free of violence, fear, intimidation, hatred, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality.*

In Article XVIII, dealing with Security of Persons and Prevention of Violence, the GPA again makes the following observation:

> *Noting the easy resort to violence by political parties, State actors, Non-State actors and others in order to resolve political differences and achieve political ends.*

Stated in this way, it appears that violence is commonly resorted to by all political parties, which is wholly at variance with the commonly established facts about violence since 2000, and the manner in which ZANU PF has always dealt with political threat. It is unnecessary to go into enormous detail here as the huge number of human rights reports clearly supports the contention that political violence has been the *modus operandi* of the Zimbabwe government through a wide variety of state agents, ZANU PF through its party supporters, and ZANU PF sponsored para-military groups through the war veterans and the youth militia. The number of documented occasions when the MDC or civil society groups have resorted to violence is so insignificant as to be not worth mentioning[2].

However, in the manner in which the GPA is phrased, the suggestion is that all parties and other bodies bear the responsibility for the violence of the past 10 years, and this then leads to SADC and the AU playing down the responsibility for the violence, and in their not insisting on clear guidelines and mechanisms to prevent this. The MDC's too must bear some responsibility here, for they have allowed such imprecise terminology to guide the process of monitoring the implementation of the GPA[3].

It is this lack of understanding about the preparedness for war that led to the debacle following the March 2008 elections. It was clear after the March poll that, notwithstanding the confusion over the

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2 See CSVR (2009), *Subliminal Terror? Human rights violations and torture in Zimbabwe during 2008.* June 2009. JOHANNESBURG: CSVR.

3 It is certainly the case that the MDC's have not taken firmer action in respect of the violence that has occurred since the signing of the GPA and the establishment of the inclusive government. For a detailed analysis of the developments since September 2008, see Matyszak. D (2009), *POWER DYNAMICS IN ZIMBABWE'S INCLUSIVE GOVERNMENT,* September 2009. HARARE: RESEARCH & ADVOCACY UNIT.

majority on the Presidential poll, Morgan Tsvangirai and MDC-T had won the election. The electorate had spoken in quite an unequivocal manner, and the appropriate course of political action for SADC and the AU was to apply pressure upon ZANU PF to behave like good losers and accept the judgement of the citizenry[4]. This did not happen, and the hand-wringing and parsimonious calls for SADC to release the results allowed ZANU PF to wriggle away from this clear conclusion, and mount a violent, and ultimately repudiated Presidential re-run[5].

Whatever the reasons for SADC and the AU's vacillation, it is clear that they did not pay sufficient attention to the propensity for violence by ZANU PF. This would not have been the case if they had paid more attention to the previous nine years, the hundreds of reports by human rights groups, and, in the case of South Africa, to the suppressed conclusions of the retired general's report from 2008. They might have expressed greater public condemnation in response to the findings of the Human Rights Forum which indicate that over 40,000 human rights violations have been reported to the Forum or its members since July 2001[6]. Or they might have noted the conclusions of the Justice for Agriculture Trust's report that indicated that over one million violations were conservatively probable on the commercial farms since 2000, with more than 90% of these violations being perpetrated on commercial farm workers[7]. Or they might have noted that the State has not even any compunction in publicly allowing the torture of senior members of the MDC in 2007, including members of parliament[8]. It was imperative, against the background of all of this evidence, that SADC and the AU paid much more careful attention to the propensity for violence by ZANU PF.

However, SADC and the AU did not seem concerned about the possibility of violence in the Presidential re-run, even though local human rights groups were warning them about this continually. In the end they repudiated the election, and then pushed for Thabo Mbeki's continuously touted Government of National Unity. Local human rights groups pointed out that the violence in 2008 conformed more or less exactly to a crime against humanity – widespread and systematic violations against a civilian population in a time of peace – but this cut no ice apparently[9].

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4 The failure of SADC and the AU to insist upon transparently fair elections bedevils African politics and creates the kinds of polarised politics that interferes with decent development generally in Africa. Here see Devra C. Moehler (2005), *FREE AND FAIR OR FRADULENT AND FORGED: ELECTIONS AND LEGITIMACY IN AFRICA*. December 2005. Working Paper No. 55. AFROBAROMETER; Carolyn Logan (2008),*REJECTING THE DISLOYAL OPPOSITION? THE TRUST GAP IN MASS ATTITUDES TOWARD RULING AND OPPOSITION PARTIES IN AFRICA*. February 2008. *Working Paper No. 94. AFROBAROMETER.*

5 See Kwinjeh. G (2008), *Staring a gift horse in the mouth. Death Spiral in Zimbabwe: Mediation, Violence and the GNU*. 18 June 2008 [*www.gracekwinjeh.blog.com*].

6 See Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe*. Report produced by the Research & Advocacy Unit. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

7 See JAG/RAU (2008), *Reckless Tragedy: Irreversible? A Survey of Human Rights Violations and Losses suffered by Commercial Farmers and Farm Workers from 2000 to 2008*. Report prepared by the Research and Advocacy Unit [RAU]. December 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST.

8 See Zimbabwe Human Rights NGO Forum (2007), *At Best a Falsehood, At Worst a Lie? Shooting Oneself in the Foot? Comments on the Zimbabwe Republic Police Report "Opposition Politics in Zimbabwe. A Trail of Violence*. June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

9 See Zimbabwe Human Rights NGO Forum (2008), *If you can't join them, beat them! Post-election violence in Zimbabwe*. An alert of the Zimbabwe Human Rights NGO Forum & the Research and Advocacy Unit. 5 May 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe*. Report produced by the Research & Advocacy Unit. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Pigou. P (2008), *Defining violation: Political violence or crimes against humanity?* Paper commissioned by the Research and Advocacy Unit, SITO: IDASA.

But it is not only the record of actual violence that should be causing alarm in SADC and the AU; it is also the public speak of the Zimbabwe government and ZANU PF. As Hobbes points out, it is not merely violence that informs us, but it lies also in the *disposition* of the parties. The public utterances of the Zimbabwe government and ZANU PF can leave no-one in any doubt as to the views about being opposed. Opponents are *enemies*, critics are *imperialists* or *racists*, and state agents have little or no compunction in stating their support for ZANU PF: even the new Attorney-General makes no bones about his political party affiliation. One merely has to read the Human Rights Forum's report, *Their Words Condemn Them: The Language of Violence, Intolerance and Despotism in Zimbabwe*[10], to see that the government and the party believe in violence and feel that it is justified, and that it is justified during elections must make all observers of Zimbabwean politics a little concerned about the future. The language of hate and its relationship to elections is evident in the most recent speech of the President[11].

It is also important to determine, against the background of the past, what likelihood there is that ZANU PF will be held by any agreement. The President of South Africa may very well be encouraged that there are only minor impediments to implementing the Agreement, but students of recent Zimbabwean history might point out a number of clear instances in which ZANU PF demonstrated its contempt for agreements that it had quite openly (and without duress) signed.

Take for example the Harare Declaration and Zimbabwe's whole relationship with the Commonwealth since 2000. Following the adverse report of the Commonwealth Observer Mission to the 2000 Parliamentary elections, the Commonwealth first tried to mediate through the Abuja Agreement, taking at face value the Zimbabwe government's assertion that the only substantive problem was land. Not a single one of the undertakings given by the Zimbabwe government in respect of the Abuja Agreement was ever met. Following an even worse report by the next Commonwealth Observer Mission in 2002, Zimbabwe was suspended from the Councils of the Commonwealth, and set of bench marks set in place for re-admission. The Zimbabwe government completely ignored these, and then, rather than be suspended or expelled from the Commonwealth, resigned much as South Africa had done decades before.

Incidentally, the Commonwealth did not cover itself in glory subsequently. The Harare Declaration and the Millbrook Plan of Action required the Commonwealth to stay engaged with an offending country,

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10 See Zimbabwe Human Rights NGO Forum (2007), *Their Words Condemn Them: The Language of Violence, Intolerance and Despotism in Zimbabwe*, May 2007, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

11 *Mugabe slams 'bloody whites' ahead of EU visit,* Alex Bell 11 September 2009 [http://www.swradioafrica.com]; See also *Mugabe gears Zanu-PF for elections,* Raymond Maingire. September 11, 2009 [http://www.thezimbabwetimes.com/?p=22525]. Here Mugabe is quoted as saying, "*When you vote against a revolutionary party, a Chimurenga party, you are becoming a counter-revolutionary. You are voting against yourself. You are voting against your right to the ownership of your land. And this is what happened last year when we had a balanced situation with the opposition and that is why we have had this creature called the inclusive government*."

even if that country withdrew from the Commonwealth[12]: this was certainly the case with South Africa. However, whilst Commonwealth NGOs tried to keep the issue alive, there is little evidence that the member countries did much beyond talking about Zimbabwe amongst themselves, and some countries, like India and South Africa, blocked action against Zimbabwe in other fora, and especially in the United Nations Security Council.

Take, for another example, the Cotonou Agreement and the relationship with the EU. Zimbabwe voluntarily acceded to this agreement, and accepted in advance that development assistance and preferential trade terms came with an assurance of good governance. When the EU instituted a dialogue under Article 9 in February 2001 over concerns about human rights, democracy and media freedom, it began a process to which the Zimbabwe government had agreed. When no progress had been made merely in holding the discussions – never mind the substantive issues that gave rise to the need for dispute proceedings – the EU began a more formal process under Article 96. In February 2002, against the failure of all dialogue, the EU introduced personal sanctions against ZANU PF leaders, and suspended development assistance to Zimbabwe *except for those projects in direct support of the population such as health, education, micro-projects and decentralised co-operation, democratisation, respect for human rights and the rule of law*[13].

The Zimbabwe government, however, merely ignored the EU and its obligations under the Cotonou Agreement, and now claims that there are illegal sanctions upon it, when these are the kinds of sanctions that it itself must have envisaged might be applied to a signatory country to the Cotonou Agreement, given the country's history of engagement with the South African question in the 1970s and 1980s.

However, these disputes might all be written off, and are written off, as the machinations of the West, explained solely as obsessions by the capitalist West about a contest over land and property rights. Zimbabwe, supported by African solidarity, may be avoidant of the rulings of the Commonwealth or the EU, and the obligations to which all voluntarily acceded, but the solidarity looks less moral when confronted with Zimbabwe's failures to meet its obligations under the SADC Treaty and SADC Protocols, or under its obligations to the AU Constitutive Act and the African Commission on Human and Peoples Rights.

Take, for another example, the recent rulings of the SADC Tribunal on the Campbell case and land rights. Zimbabwe has stated quite openly that it will disregard the ruling of a court that it was part and parcel of setting up: the SADC Tribunal was not imposed upon Zimbabwe, it imposed it upon itself knowingly. The decision is clearly an uncomfortable one for the previous Zimbabwe government, but also for the new government, but to openly state that it will not abide by the judgement, ignore interdicts issued by the Court, and even be in contempt of the Court says little in favour of ZANU PF's

12 See 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.

13 See 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.

willingness to honour it's agreements[14]. Even if Patrick Chinamasa is correct about the standing of the court vis-à-vis Zimbabwe, it still does not answer the question about why the Zimbabwe government was willing to appoint a judge to the court, and to attend hearings, and indicate, through the Attorney-General, that is accepted the competence of the court. Would the Zimbabwe government have repudiated the Tribunal so vociferously if the court had found in its favour, or is it the case that it will dispute any agreement, *ex post facto*, under which it is found wanting?

Additionally, it raises the matter of commitment by SADC itself to its own treaties and protocols, for there has been no comment by SADC countries on Zimbabwe's repudiation of the Tribunal's authority, nor attempt to place the issue before a SADC Summit. This again raises concerns about SADC's attitude to violence and unaccountability by ZANU PF.

So this is the *deep structure* of Zimbabwean political life: violence, the propensity to violence – publicly expressed – and a total disregard of international agreements and obligations. And the endless debate over the implementation of the GPA – the Governor of the Reserve Bank, the Attorney-General, the posts of the Provincial Governors, the new constitution, etc – important as they are - pale into insignificance against the most important task of all, creating a climate of peace, both as the absence of war and the preparedness for war. The most fundamental improvements must address this deep structure, and involve a number of very simple tasks for the GNU to achieve, and for the international and regional community to insist upon.

Firstly, there is the immediate need for all security forces to be placed under unequivocal civilian control[15]. The current arrangement for the National Security Council is wholly unsatisfactory, and the suggestions that the Joint Operations Command continues to exist as a parallel structure very disturbing. The absolute necessity, in view of all the evidence, is that the security forces must be placed under overt civilian control, and can only act under the instruction of the government as a whole. The National Security Council should be a wholly civilian body, with full power over all security forces, and, given all the evidence (including the frequent statements by the security chiefs of partisan allegiance), there must be clear, public demonstration that the security forces are in fact under full civilian control.

Secondly, Parliament must exercise its constitutional oversight role in a much more assertive manner than it has since the signing of the GPA and the establishment of the GNU. It is not sufficient for the executive alone to act as a watchdog over the security forces; it must also be the case that a body established by the executive for control of the security forces must itself be subject to scrutiny, and the body appointed by the citizens, Parliament, must provide such scrutiny. Thus, a Parliamentary Portfolio Committee concerned with such oversight should be set up with immediate effect, and here it should be stated very strongly that Parliament is the only body currently in Zimbabwe that exists with the unequivocal assent of the citizens. SADC may be enthusiastic about the government of national

14 The reference to ZANU PF is justified on the grounds that it is ZANU PF affiliated members of the inclusive government that make these statements, and even a ZANU PF affiliated minister, Patrick Chinamasa, that disavows the competence of the SADC Tribunal. There is no such view from MDC members of the inclusive government.

15 A similar point has been made recently by Human Rights Watch. Here see Human Rights Watch (2009), *False Dawn: The Zimbabwe Power-Sharing Government's Failure to Deliver Human Rights Improvements*. August 2009. NEW YORK: HUMAN RIGHTS WATCH.

unity, but this body is one which has been endorsed by the citizens of Zimbabwe only indirectly, a fact that SADC chooses to steadfastly ignore.

Thirdly, there is an absolute necessity to return to obvious civilian policing. This means withdrawal of weapons of war in the hands of the Zimbabwe Republic Police [ZRP], the transparent standing down of the Riot Squad and Support Unit, and clear adherence by the ZRP to the principles of civilian policing. In particular, there is need for the establishment of community policing forums in which local citizens may provide oversight of the manner in which the ZRP are operating in local communities. There is no evidence, as indicated earlier, that any group opposed to ZANU PF espouses or uses violence; all evidence suggests the contrary, and hence it is crucial that is accepted and, accordingly, the police begin to behave in manner that reflects this understanding: there is no need for weapons of war and military presence on the streets when there is no obvious threat. SADC should insist upon this.

Fourthly, there a pressing need to open the press and media space: open access by citizens to information and opinion is crucial to developing attitudes to resolving disputes and disagreements by non-violent exchanges. The total control of the press and media by ZANU PF is wholly at variance with the commitments made by the various parties to the GPA, and the paltry concession of allowing another government-controlled newspaper on the streets does not address the problem. The actual change needed is to allow a plethora of papers, radio stations and television stations to operate, and so to ensure, as is the case in virtually every other SADC country, that political dispute is carried out through discussion, argument, and the conveying of different views, and not through violent intimidation and repression.

Without these fundamental changes, all else is largely cosmetic and does not address the basic problem. If SADC and the AU continue to ignore these very basic issues, then the little world that is Zimbabwe will continue as Hobbes suggests below.

> ***"Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short."***
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> ***Thomas Hobbes. (Leviathan. 1667)***