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Unsettled Zimbabwe:

The Quest for a Resilient Social Contract

SHOWERS MAWOWA AND ERIN McCANDLESS

A RESEARCH REPORT

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Abstract

This briefing provides a summary analysis of findings from a Zimbabwe case study of an 11-country research and dialogue project that examines what drives a resilient national social contract in countries affected by conflict, fragility, or with unresolved political settlements. The research argues that Zimbabwe's attempts at political settlement have failed to address core issues driving conflict emanating from the colonial rule. They have also failed to provide an inclusive basis for a nationally owned social contract. Policy recommendations suggest critical pathways towards this end, including transforming Zimbabwe's deep state and related institutions, harnessing Zimbabwe's resilience capacities and strengthening social cohesion.

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1. Introduction

In Zimbabwe, the political settlement is one that is, so far, perpetually unsettled. The end of white colonial rule in the 1980s following a protracted liberation war, and despite the promises made at independence by the majority black government, has failed to deliver a better life for all Zimbabweans and to transform the country's politics from authoritarianism to inclusive democracy. Core issues of conflict which drove the country's liberation war remain largely unaddressed. International actors have played a part in this, notably by supporting agreements and processes that have not effectively addressed these issues or transformed institutions in needed ways. This is important to reflect upon this fact in Zimbabwe's new political dispensation which followed the widely supported ousting of President Robert Mugabe in 2017 after 37 years of rule.

Through the prism of three 'drivers' of a social contract, described in Box A, and with particular attention to progress in addressing what we refer to as 'core conflict issues', the case study examines closely the 2009 Global Political Agreement (GPA) – the most recent and comprehensive attempt at political settlement – to assess progress towards a resilient social contract. The GPA, though elite driven, reflected considerable societal consensus on how issues should be tackled but followed a path of elites operating outside formal agreements, playing out unofficial power dynamics that have served to scuttle the process and create new grievances. It failed to ensure that new institutions perform as envisaged and to transform existing institutions and salient structures of authoritarianism along more inclusive and representative lines. This presents obstacles to the forging of a resilient social contract, despite the renewed optimism accompanying the end of Mugabe's rule.

To examine how core issues of conflict are addressed over time by the Zimbabwean state and society, we chose two issues at the heart of Zimbabwe's historical political contestation, dating back to the 15-year armed struggle against colonialism namely, 'the political question' – the distribution and exercise of political power – and the 'land question' – around distribution, access, and use. On the political question, colonial rule was achieved and sustained through violent subjugation and the denial of political participation to the majority blacks – methods then adopted by the black government to stay in power. On land, the white colonial rule was characterised by the violent and systematic removal of blacks from the land and deeply uneven development across racial and regional lines. At independence in 1980, 42% of the country was owned by about 6000 whites, less than 1% of the population, and the Matebeleland region was the most underdeveloped. Well-documented, land has remained a thorny issue throughout the post-colonial period which culminated in violent land occupations in the 2000s. Though the government responded with a

Fast Track Land Reform programme that transferred most of the land to blacks between 2000 and 2002, the issues are far from settled as new problems have emerged (see below).

While Zimbabwe has for the most part been stable since independence and held regular elections, the ruling ZANU-PF party, led by Mugabe, has used patronage, violence, intimidation of opponents and electoral rigging to maintain power. In 2008, the political crisis came to a head when Mugabe and ZANU-PF refused to relinquish power after losing elections to the opposition MDC which lead to the GPA in which the former and the latter shared power under a government of national unity (GNU). Mugabe controversially won the 2013 election, which ended the GNU. In November 2017, Mugabe was forced to resign following a military intervention[1], which to the surprise of many onlookers, was backed by a massive popular uprising. The uprising exposed the deeply unsettled political settlement and the profound weaknesses of the institutional arrangements needed to effectively implement the GPA, and to forge a resilient social contract that might sustain a genuine peace.

Background to Project and Methodology

This case study and overarching 11-country research and policy dialogue project is informed by a conceptual framing and methodology[2] that investigates what drives a *resilient national social contract* – that is, a dynamic national agreement between state and society, including different groups in society, on how to live together. Such a contract includes the distribution and exercise of power, and how different demands, conflict interests and expectations around rights and responsibilities are mediated over time through different spheres and mechanisms. Three postulated 'drivers' of such a contract, constructed through deeply rooted in evidence-based research and dialogue within the project working group, are that:

1. Political settlements and social contract-making mechanisms are increasingly inclusive and responsive to 'core conflict issues'.[3]

2. Institutions (formal, customary, and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy.

3. Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (between citizens/groups and the state).

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1   Whether or not this was a military coup is debated among Zimbabweans and international actors. Some prefer military assisted transition since arguably the military did not take-over the running of government but for a period neutralised other security arms of state and facilitated transfer of power from one civilian leader (Mugabe) to another (Mnangagwa). Still, others call it a coup because by intervening in this manner the military without doubt usurped Mugabe's authority as the civilian authority. Mugabe says it was a military coup.

2   This research was overseen, and this working paper edited, by Research and Project Director, Erin McCandless. For full project framing, see McCandless, Erin. 2018. "Reconceptualizing the Social Contract in Contexts of Conflict, Fragility and Fraught Transition". *Working Paper*, Witwatersrand University. https://www.wits.ac.za/wsg/research/research-publications-/working-papers/

3   As defined in this study, these are overt drivers of conflict and discord, either historical, or contemporary in nature, broadly agreed by the main parties to drive conflict and discord, that are being disputed in the policy arena nationally, over time, and have resonance for most, if not all of the population. Ideally, they are reflected in formal agreements or mechanisms and enable examination of how state and society address conflict (McCandless 2018).

The value of thvese proposed drivers and their interactions is assessed in these studies for their ability to better understand what went wrong, and the prospects for attaining and sustaining peace in South Sudan.

Figure 1: Three Drivers of Resilient Social Contracts
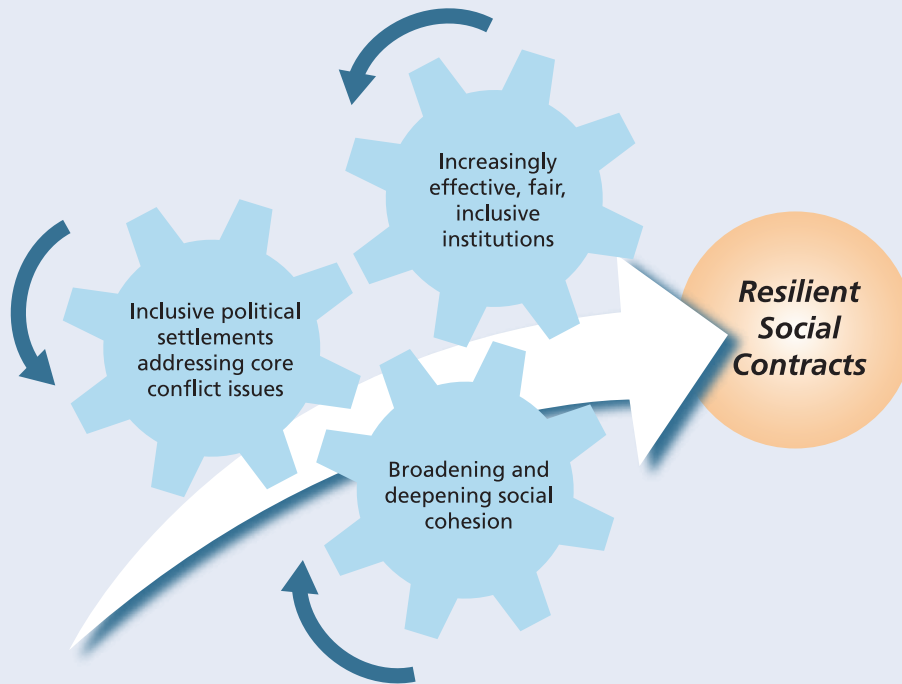
'Social contract-making' spheres and related institutional mechanisms – central to the study framing and findings – are conceptualised as follows: Peacemaking (i.e. through a peace agreement or political agreement); Transitional (i.e. sequenced dialogues, commissions, truth and reconciliation processes); Governance-related, including formal mechanisms (i.e. codified structures of government, formal institutions, national development plans, devolution frameworks/policies) and hybrid mechanisms (i.e. where religious/customary/non-state actor and state mechanisms interact); and Everyday (i.e. citizen actions or practices, norms, mores). In this study, the everyday sphere also serves as a litmus test of the extent to which higher-level, formalised agreements or processes represent wider societal views.

This Zimbabwe case was conducted through interviews, focus groups, desk analysis, Afrobarometer surveys and data from other global indices[4] gathered from two regions (Mashonaland (perceived to be the most developed) and Matebeleland (perceived as disadvantaged)) from 2016 to 2017. A February 2017 validation workshop involving Zimbabwean academics, civil society and political activists, as well as peer reviewers, informed the final report.

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4   This includes data compiled by the global project team on drivers of the social contract, McCandless, Erin, Forging Social Contracts Database Resource, 2017.

## 2.	Analysis of Key Findings

### 2.1	DRIVER 1 – Political Settlements Addressing Core Conflict Issues

Political settlements in Zimbabwe have been elite driven and failed to address core conflict issues (CCIs). The 1979 Lancaster House Agreement (LHA) ushering in independent Zimbabwe in 1980 did not provide for shared executive authority, presidential term limits nor devolution and was compounded by a weak judiciary and parliament. Power was centralised around president Mugabe who marginalised other ethnic and tribal groups and violently crushed political opponents. The violent military campaign *Gukurahundi* in the 1980s which saw the death of an estimated 20,000 people of mostly Ndebele ethnic group and opposition ZAPU in pursuit of a one-party state is emblematic. The unresolved bitterness remains a core piece of what is unsettled in the political question. On land, a "willing buyer-willing seller" clause in the LHA prevented land expropriation for redistribution in the first ten years of independence, making land a divisive political issue in the 1990s. This culminated in land occupations by landless blacks, led by disgruntled war veterans and later supported through Fast Track Land Reform. Extensive redistribution to blacks enabled the ZANU-PF government to gain political leverage in the 2000s. Ongoing and new grievances however – amongst other the issues which the 2009 GPA sought to address – suggest that the issue remains unsettled.

Examining the ways in which the GPA, and the requisite institutional 'social contract-making' mechanisms and spheres[5] were engaged in carrying forward the agreement, our study found the following:

- The GPA was the first formal agreement with a vision representing wide societal support, and it notably sought to address CCIs in transformative ways. Implementation was stifled, however, by low political will on the part of ZANU-PF. On paper, power was shared between opposition MDC and ZANU-PF, but the latter continued to act unilaterally and subvert the agreement; single party rule was again reinstated after ZANU-PF controversially[6] won the election in 2013.

- The imbalance of power has not been conducive for building more meaningful inclusion in the political settlement. Where elements within the agreement were reflective of different positions of negotiating parties rather than consensus positions – (reflecting an <u>agreement to disagree</u>) – ZANU-PF remained the powerful partner due to control of the state, and simply blocked implementation of aspects it was opposed to. A similar flaw can be found in the 1987 Unity Accord between ZAPU and ZANU-

5	The Peace-making sphere was made up of the Global Political Agreement (GPA), the Transitional sphere had the Government of National Unity (GNU) and committees such as the Joint Monitoring and Implementation Committee (JOMIC); Organ for National Healing, Reconciliation and Integration (ONHRI); Constitution Parliamentary Committee (COPAC) while the Governance sphere includes the 2013 Constitution; independent oversight institutions, for example, Land Commission, Human Rights Commission (HRC) and National Peace and Reconciliation Commission (NPRC).

6	The GPA requires several political reforms before an election. In spite of the lack of reforms ZANU-PF unilaterally called for elections amid objections from the opposition MDC and the SADC regional block. In the aftermath, MDC disputed ZANU-PF win and claimed the party had manipulated the election.

PF following the violence of the 1980s; this effectively saw the former absorbed by the latter.

- Agreements have not been sufficiently embedded in consecutive institutional mechanisms of social contract-making (see Box A), leading to poor implementation. The GNU was created to implement the GPA, along with several commissions, but goals were not supported by clear implementation mechanisms. The complexities surrounding land and devolution grievances are illustrative:

  o The grievances around land are complex, including aspects such as restitution, ethnic, gender and political fairness, access for housing, livelihoods, access to small scale and artisanal mining, competing rights (mining versus surface), preservation of traditional customs and gender equality amongst others. One of the major flaws of the Fast Track Land Reform programme which the GPA failed to address is the narrow focus on redistribution for farming, excluding these other dimensions. Land occupations continue, reflecting continued dissatisfaction with the official processes – particularly around multiple farms being owed by elites.

  o There are many competing layers of land management structures, traditional chiefs, local and national governments, intergovernmental agencies (Ministry of Mines and Mines Commission versus Ministry of Lands and Land Commission) and the conflation of formal and informal mechanisms. For example, veterans of the liberation struggle to see themselves as part of the country's security architecture and ruling ZANU-PF party structures – often resulting in tensions with formal structures of state and ruling party. New problems and associated grievances are emerging such as the diminishing powers of traditional authorities, difficulties in accessing land in peri-urban areas, and challenges in accessing restorative justice. Further, the lack of funding and the complexities of the land issue are becoming increasingly entangled with mining. These have not been streamlined; often creating conflict, duplication and confusion. Traditional chiefs complain about the Land Commission intruding on their traditional rights to allocate land.

  o While the GPA and the 2013 Constitution provided for devolution to decentralise government authority and functions, the mechanisms through which this was to be achieved were not clearly spelt out. The governing ZANU-PF party has argued that devolution is expensive to implement, while some groups from Matebeleland have accused the party of lacking the political will.[7]

  o The failure to link agreements and mechanisms for effective implementation has resulted in missed opportunities for new norms to develop and institutions

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7   allAfrica.com 9 December 2017, accessed at http://allafrica.com/stories/201712090097.html on 22 May 2018.

to be transformed. This holds true for both the Security Sector which continues to act with impunity and for the failure of peace and reconciliation to take off in an inclusive and independent way.

2.2   DRIVER 2 – Institutions Delivering Effectively and Inclusively

State Institutions are neither sufficiently nor effectively delivering core services. This is partly because of the failure to transform and reorient colonially inherited institutions in ways that foster inclusive processes and outcomes – which also results in the exacerbation of the CCIs. The police force and the military, once used by the colonial state to violently oppress blacks became instruments of power retention for the new government. The LHA effectively made it impossible to address the land issue as needed. In the 1980s progress was made in the delivery and distribution of government services but it was reversed with the introduction of the Economic Structural Adjustment Programme (ESAP) in the 1990s, and by the 2000s service delivery was in crisis. Between 1996 and 2015, the World Bank Good Governance Effectiveness indicators for Zimbabwe declined from 50% to 15%. Government has had to rely almost entirely on donors and many of Zimbabwe's social services are being heavily supported – financially and technically – by international agencies and institutions. The state's incapacity to deliver and endemic corruption has resulted in the widespread loss of citizen confidence and trust in government institutions.

While Zimbabweans have expectations that the state should deliver services (for example, the 2008 People's Charter called for a welfare state akin to what was in place in the 1980s), successive failures have resulted in a loss of confidence in the state's willingness and capacity to deliver. While the GPA rekindled optimism, the rate of change failed to meet people's expectations. Public confidence in the GNU's handling of the economy declined from 71% approval at inception (2009/10) with 17% disapproval to 49% approval with 50% disapproval in 2011/12.[8] Further illustrating the low confidence in the state's ability to deliver are other Afrobarometer surveys showing that by 2011/12 and 2013/2014, 39% and 43% of Zimbabweans expected resources for development to come from actors other than the state. Other findings in the study related to driver 2 include:

- While the GPA included provisions for institutions such as security agencies, government departments, the Land Board (later changed to Land Commission), traditional chiefs amongst others, to act in a manner that addresses CCIs, these institutions were untransformed.

- Security institutions in particular have not been reformed, let alone transformed; they perpetuate the CCI around the distribution and exercise of political power by continuing to act with impunity – especially against ZANU-PF's political opponents, and aggravating the political question. The security architecture is also challenged by competing and duplicating layers and agencies, with overlapping mandates, often

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8   Afrobarometer Surveys, 2009/10 and 2011/12.

resulting in multiple and contradictory actions that undermined the GPA.[9] Senior security officers are also accused of owning multiple farms which is against stated government policy and even at times grabbing farms owned by members of rival factions within the ZANU-PF party.

- Though the GPA, GNU, and subsequently the 2013 Constitution created a number of new institutions and sought to reform some of the existing ones, for the most part they still only exist on paper. Ultimately, opportunities were missed through the GPA and GNU to show that institutions can deliver in ways that respond to society's expectations and build trust, and through the process, to address marginalisation and build social cohesion between groups.

2.3 DRIVER 3 – Broadening and Deepening Social Cohesion

There can be no doubt that the euphoria of independence, the state's delivery of services and nationalist propaganda (reinforced by an education curriculum which celebrated patriotism, unity and liberation war history) helped foster social cohesion, especially within the Mashonaland regions dominated by the Shona ethnic group. These attempts at nation-building were immediately affected by Gukurahundi, which remains a sore point for the people of Matebeleland. Left unaddressed, this stands in the way of strengthened social cohesion – both horizontally and vertically – at the heart of forging a resilient national social contract.

- Zimbabwe has some strong indicators of vertical cohesion, according to Afrobarometer, (in other words, preference of national identity over ethnic – 58% in 2014). Some aspects of vertical cohesion are not strong: 58% believe those who are corrupt go unpunished, and most Zimbabweans do not engage with their elected leaders to discuss important issues (Afrobarometer 2015 survey). Afrobarometer's surveys from 2001 to 2014 show consistently low levels of trust in the police. This suggests the failures of drivers 1 and 2 in delivering for Zimbabweans – the failure to address CCIs through an evolving political settlement, and the state's unwillingness or inability to deliver services effectively and inclusively.

- Horizontal cohesion is generally strong (for example, 93-94% of respondents do not mind living with people of different religion and ethnicity) but is sometimes negatively affected by the way in which Zimbabwe's CCIs play out. Illustrative, Gukurahundi, though far from being an inter-ethnic conflict, was a campaign by the state primarily targeted at the people of Matebeleland.

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9   In other words, Zimbabwe Defence Forces (composed of Zimbabwe National Army, Airforce of Zimbabwe, and Military Police), the Central Intelligence Organisation (CIO), Zimbabwe Republic Police, and the Zimbabwe Prison Services (ZPS), and the Zimbabwe National War Veterans Association (ZNWVA) and the ZANU-PF youth leagues. Since 2000, a Joint Operations Command (JOC) consisting of heads of these institutions and senior ZANU-PF official has been responsible for overall security coordination, but without clear agreement on whether it was a formal structure of government. Though the GPA sought to replace JOC with a National Security Council, it never took off with accusation the JOC continued to operate.

- Power-sharing between political parties during the GPA overlooked the ethnic dimension of the grievance – that the Ndebeles are under-represented in publication offices, and a Shona dominance of national politics. The main political parties ZANU-PF and MDC are Shona led, but always include at least two Ndebeles within the top five leadership stratum. Ndebeles constitute about 20% of Zimbabwe's population. In the absence of reliable scientific data on ethnic representation in public offices, this remains a perception, but an important one in Zimbabwe's public discourse.

2.4   The Cross-Cutting Role of International Actors

International and regional actors have played important roles in the areas of service delivery, supporting human rights civil society, the strengthening of democracy (in particular financial support to the 2013 constitutional making process) and, in the case of South Africa and South African Development Community (SADC), facilitating political dialogue that led to the GPA and 2013 Constitution. However, they have also played problematic roles by:

- Supporting agreements that fall short of addressing CCIs. In addition to supporting the LHA clause on land which had a profound impact on Zimbabwe's ability to forge an agreement around a social contract, the UK's refusal to fund expropriation and compensation of white farmers in the late 1990s further fuelled internal tensions around land.

- Imposing structural adjustment policies (international financial institutions) less than a decade after independence, compromising the state to transform the economy, particularly in the context of highly unequal distribution of land and resources.

- In a charged political environment, (donors) supporting the opposition-aligned civil society has fed perceptions of international actors supporting 'regime change' efforts, and fuelled polarisation.

- Supporting an agreement (the GPA) that gave too much power to Mugabe's ZANU-PF and failed to enforce compliance in the face of violation by ZANU-PF (SADC).

In the current context of donor dependence and tacit support for the military intervention by the international community there is a real risk of overlapping if not competing social contracts. The support for immediate elections, given the repeated failures of elections to transform politics, requires critical reflection. In addition, key legal and institutional reforms are not yet in place.

3.0   Policy Recommendations

Zimbabwe has missed critical opportunities to forge a more inclusive political settlement that can inform a nationally owned and resilient social contract, capable of fostering new norms and institutions and addressing issues of conflict. While, the current political context remains in flux, there are apertures that offer transformative directions. The demise of Mugabe's 37-year-rule and forthcoming elections in mid-2018 has awakened conversation and expectations about the roles of different national and external actors in the country's recovery. This conversation should be directed towards a nationally owned and resilient social contract. As revealed in interviews, focus groups and validation workshop related to this project, this concept holds value for Zimbabweans, where state-society relations have been deeply polarised throughout its history (including the colonial period).

With this context in mind, recommendations for national and international policymakers include:

3.1   DRIVER 1 – Political Settlements Addressing Core Conflict Issues

- Address core issues of conflict that have long divided and polarised Zimbabweans, in an inclusive and transparent manner:

    o On land, undertake a transparent audit to address new grievances around fairness and conflict titles, and capacitate the Land Commission to deliver on its constitutional mandate in a fair and transparent manner.

    o Implement the new constitution and align legislations – central to addressing the political question. Capacitate the independent commissions need to act effectively and independently to provide the envisaged checks to executive power.

- Develop a transparent, inclusive dialogue to target the mechanisms and dynamics of the 'deep state', through institutional transformation, inclusion/participation, accountability and aligning laws and political culture with the 2013 Constitution.

3.2   DRIVER 2 – Institutions Delivering Effectively and Inclusively

- Work to ensure institutional arrangements coherently build upon and link with one another, particularly those of the various governance layers and spheres of land management. There is a need for the proper alignment of formal and informal spheres of governance. For security related institutions, it includes engaging with powerful informal actors and related hybrid structures, such as security and the management of mining revenue.

- Work to transform institutions – ensuring that they do not function in ways that perpetuate CCI and wider drivers of conflict and fragility. The Security Sector is one of the institutions that is most in need of transformation in Zimbabwe.

- Link support for government institutions to a clear and timed exit strategy once sustainability has been achieved. This requires a long-term view.

The 2013 Constitution, which enjoys broad societal traction, provides a good basis to support the initiatives mentioned above and set in motion the development of new norms. International actors should prioritise supporting the process of realigning laws with the constitution, strengthening independent commissions, and deepening culture of constitutionalism, beyond a short-term fixation with elections as a panacea.

Put in place an action plan to devolve power and services as called for in the Constitution.

3.3 DRIVER 3 – Broadening and Deepening Social Cohesion

- Critically, as the current national peace and reconciliation exercise has shown, past human rights violation, the most notable of which is Gukurahundi, cannot be solved by a plea to move on as the current president has suggested. Any process to find closure should include truth telling, investigation and acknowledgement of what actually happened, and redress mechanisms coming out of an inclusive process that considers the voices of the victims and marginalised.

- Promote social cohesion in ways that deliver materially, in other words, through effective and inclusive service delivery that engages regional and local communities to target both the realities and feelings of exclusion.

Finally, policymakers should:

- Work across each of these areas with a view to supporting catalytic and integrated approaches to instigate virtuous movement towards a resilient social contract.

- Support the opening of civic space as part of promoting a culture of public participation and citizens engagement to redress issues of conflict and making service delivery institutions more accountable.

- Support resilience capacities by investing in bottom up participatory processes and establishing an all-inclusive national dialogue platform. A new, and more inclusive political settlement must harness the resilience capacities within society, such as the strong sense of national identity, strong civic culture, a highly educated population and a culture of socio-economic resilience.

As Zimbabwe's politically polarised society seeks a new path post-Mugabe, the concept of the social contract provides a way of thinking both normatively and practically about how to address issues that have divided Zimbabweans in ways that deepen social cohesion and advance Zimbabwe's peace. This research illustrates how three drivers of a resilient social contract can interact in non-virtuous ways; reversing and blocking pathways for peace. Notably, the failure to address issues of

conflict through an evolving political settlement, and the state's unwillingness to implement the agreed political settlement through institutions that support even, fair and consistent delivery of services and address corruption and police brutality – undermine the state's legitimacy including aspects of vertical cohesion such as trust in the state. National and international actors need to identify and support pathways that foster virtuous interaction of the drivers in a virtuous direction – towards greater peace. Taking lessons from the GPA experience, the above recommendations illustrate ways in which this can be supported. At the heart of this paper lies the issue of addressing political obstacles around implementation of agreements and embedding them in institutional arrangements to develop ongoing social contracts and transforming institutions in ways that engage Zimbabwe's deep state, build social cohesion, and forge a more resilient, national social contract.

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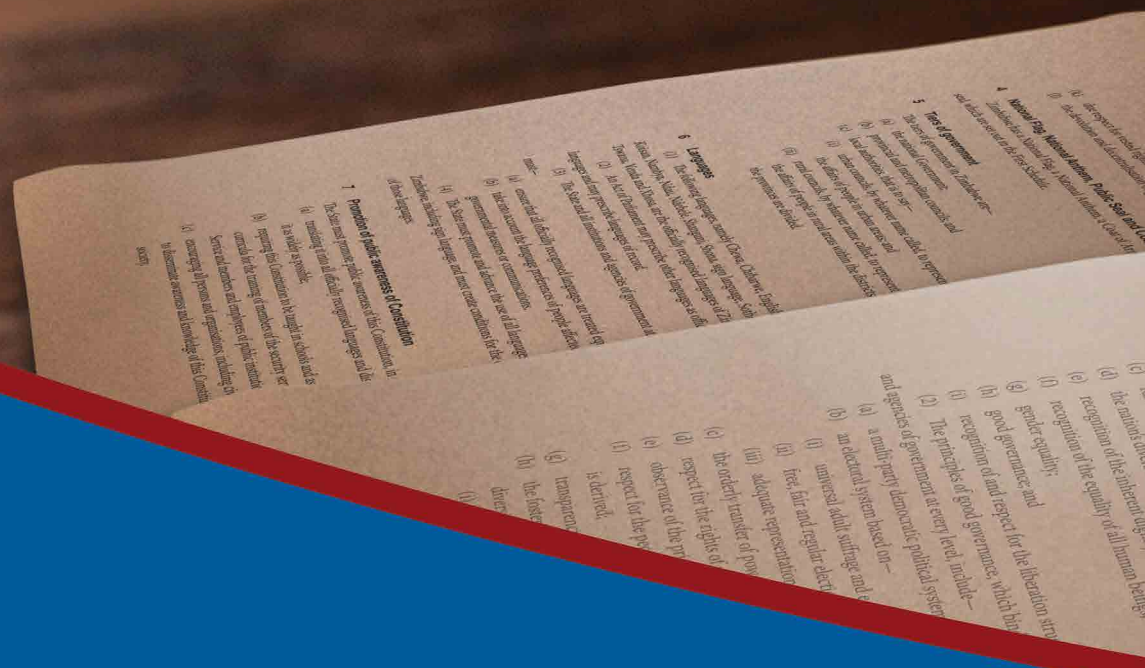
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