

# ZIMBABWE'S PARADOXICAL "NEW DISPENSATION": POLITICAL HARM, ENDEMIC IMPUNITY AND UNENDING SILENCES, 2017-2020

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## Introduction

When President Emmerson Mnangagwa took power after the November 2017 military-assisted transition which displaced the long serving President Robert Mugabe, his newfound rhetoric signaled an uplifting rejection of the divisive language and combative politics of his predecessor. President Mugabe's 37-year reign had been premised on the contentious notion of the inevitability of violence in maintaining political power at nation-state level (Blair 2002; Meredith 2002; Chan 2003; Holland 2008; Ndlovu-Gatsheni 2015). In spite of being a somewhat popular post-liberation struggle leader with strong Pan-Africanist credentials, for much of his tenure at the helm of postcolonial Zimbabwe Mugabe apparently blocked and disabled alternative political organisation by openly deploying physical and discursive violence against perceived opponents. Such politically-motivated violence coupled with economic mismanagement, hyperinflation and the flight of capital correspond to what became known as the Zimbabwean crisis in the post-2000 era (Ndlovu-Gatsheni 2003; Raftopoulos 2006).

As a matter of political habit, just before the 1998 labour strikes, Mugabe warned trade unionists by boasting that his governing Zimbabwe African National Union-Patriotic Front (ZANU-PF) party "had [academic] degrees in violence" (Blair 2002; Fleming 2014). Emblematical of this political high-handedness were the state-instigated *Gukurahundi* Massacres of the

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1980s in the Matabeleland and Midlands Provinces, which resulted in the death of nearly 20,000 Ndebele people and the 2008 nationwide election-related reprisals against the resurgent opposition Movement for Democratic Change (MDC) and its supporters (CCJP 1997; Sachikonye 2011).

In spite of having been an ever-present enabler to the foregoing exclusionary politics from the liberation struggle, when he served as Mugabe's special assistant and subsequently a long-serving government minister and Vice President in the post-colonial era, upon assumption of the presidency Mnangagwa carefully re-presented himself as a transformative politician to his fellow citizens. On numerous occasions soon after assuming power, Mnangagwa claimed to be "as soft as wool" (Mubangizi 2018). He tapped into the cross-party and near euphoric public appeal of the palace coup that ended Mugabe's rule by somehow self-consecrating his mandate to govern. Thus in the immediate aftermath of the military-assisted transition, he often quipped that "the people's voice is the voice of God" (Ndawana, 2018).

Most importantly, President Mnangagwa attempted to de-escalate long simmering domestic political tensions by calling for peace and inclusivity in national affairs while simultaneously promising free and fair elections. As a way of reversing Mugabe's two decade-long isolationism, he tried to court the international community back into the country through his trademark "Zimbabwe is Open for Business" mantra. In his inaugural address as President on the 24<sup>th</sup> of November 2017, Mnangagwa declared that:

*While we cannot change the past, there is a lot we can do in the present and future to give our nation a different positive direction. As we do so, we should never remain hostages to our past. I thus humbly appeal to all of us that we let bygones be bygones, readily embracing each other in defining a new destiny. The task at hand is that of rebuilding our great country. It principally lies with none but ourselves. I implore you all to declare that NEVER AGAIN should the circumstances that have put Zimbabwe in an unfavorable position be allowed to recur or overshadow its prospects. We must work together, you, me, all of us who make this Nation...The values of Unity and Peace cherished by all Zimbabweans are the enduring foundations for the desired goal of development, itself the third pillar of the trinity of Unity, Peace and Development espoused by my Party, ZANU-PF [All statements in italics are my own emphasis]. (Mnangagwa 25 November 2017).*

The attempt to entice and unify diverse and contradicting publics embedded in the foregoing speech largely encapsulated the essence of what came to be optimistically defined as the *New Dispensation* in the post-Mugabe era public discourse. However, the forgive and forget ethic embedded

in the same speech, which became a signature talking point in President Mnangagwa's public rhetoric, compromised, it is argued, the newness of his dispensation as far as the healing of the nation's historical wounds and haunting legacies of politically motivated and state-inflicted violence against the citizens is concerned.

It seems that the President did not want Zimbabweans to have forthright conversations about their impunity-riven past and yet it is essential and cathartic for both victims and perpetrators to have open conversations about politically-motivated harms. While commenting on post-*apartheid* South Africa's Truth and Reconciliation Commission (TRC), Antjie Krog (1998, 24) observed that "a community should not wipe out a part of its past because it leaves a vacuum that will be filled by lies and contradictory, confusing accounts of what happened." Societies cannot simply whitewash the pains of the past, perpetrators should testify and own up to their wrongs because "to make a clean break from the past, a moral beacon needs to be established between the past and the future" (1998, 24).

Although the South African TRC is generally celebrated for attempting to address the traumatic legacies of *apartheid*, especially by affirming the importance of truth-telling in post-conflict societies, its limits have become apparent over the years (Swart and van Marle 2017). The TRC fell far short in bringing justice to the victims of *apartheid* and white supremacist politics because of its 'amnesty for truth' principle which allowed most perpetrators of violence against the black African majority to simply go unpunished (Bowsher 2020). Again, the South African TRC had a limited mandate which foreclosed the availing of reparative care to victims of violence in the form of compensation, restitution, post-traumatic treatments, and justice. Such institutionalized sensitivity is crucial because "...violence and violation are not only contained in time, but have effects that far exceed the original moment of violence" (Srinivasan 1990, 305).

The following sections of the article attempt to show that President Mnangagwa's notion of a new dispensation was an indistinct rebranding of the *status quo* because his government did not significantly resolve the country's checkered human rights record. State-instigated violence, torture and enforced disappearances of human rights activists and other oppositional elements persisted. The new government did not open up civic space by guaranteeing basic freedoms of peaceful assembly and association. Procedures on police notification and authorisation of demonstrations and concomitant access to public spaces remained deliberately inchoate while processes for

holding peaceful demonstrations were at times arbitrarily enforced by the police.

## Endemic Impunity and Silences as Spillovers from the Mugabe Era

President Mnangagwa's quest for Zimbabweans to disregard their painful past(s) and collectively move on under the all-inclusive national banner of "unity, peace and development" was a well-established practice in the country's defective peacebuilding architecture, largely characterised by state-decreed reconciliation pronouncements, clemency orders and amnesties for perpetrators of politically motivated harms (Mashingaidze 2017). Upon assumption of power in 1980 after a protracted, violent and life-destroying liberation struggle, then Prime Minister Robert Mugabe declared the once much-vaunted policy of national reconciliation in which he called his fellow countrymen to forget their traumatic past and forgive each other by collectively rebuilding their nation (Fisher 2010; Mashingaidze 2010). Members of the colonial Rhodesian security sector establishment who had tortured, harassed and punished black Africans *en mass* in their counter-insurgency measures were the major beneficiaries of this policy.

In the subsequent years, the Mugabe government regularly resorted to blanket amnesties and clemency orders to protect state and ruling-party-aligned perpetrators of politically motivated violence. This happened in the aftermath of all of the postcolonial era's episodic cycles of violence, such as the *Gukurahundi* Massacres of the 1980s, the 2000/2001 election-related violence, and the nationwide but state-orchestrated June 2008 violence against MDC members and supporters (Makumbe and Compagnon 2000). These state-imposed amnesties and clemency orders inevitably fomented a culture of impunity among ruling-party-aligned perpetrators of human rights violations. Ruling party supporters such as war veterans implicated and pardoned in the 2000 election-related brutalities against MDC supporters went on to repeat such violence in the 2001 by-elections and the 2002 Presidential elections (Reeler 2004; Feltoe 2004).

To a large extent, the forgoing elite-bargained measures for healing and reconciling post-conflict societies are a travesty to victims of politically-motivated violence because they compel victims to sublimate their pains and 'move on with life' unhealed and unreconciled. These measures disregard individual pains and overlook perpetrator culpability by focusing on the

community as a self-immolating abstraction of unknowable protagonists. This approach subverts one of the key principles set at the Nuremberg Tribunal soon after the Second World War: "justice has an individual focus, and does not countenance group harms" (Aoláin and Turner 2007, 31). Jürgen Habermas also averred that collective guilt does not exist. Whoever is guilty has to answer individually (Krog 1998, 24). These perspectives discount the import and moral high ground of state-defined and communal reconciliation pronouncements in favor of relocating, where possible, both the individual culprit and victim back to the center of any post-conflict measures. The South African TRC, in spite of its limitations noted above, exemplified this approach to post-conflict praxis by treating all victims of *apartheid* identically:

There were no first and second class victims. The mother whose child died opposing *apartheid* testified next to the mother whose child died defending it. White and black, 'colored' and Indian, literate and illiterate, rural and urban—the testimony of each was respected in the same way. The TRC thus taught the country that grief, loneliness, bewilderment and pain knows no color or creed, that the cut of hurt is the same for all. This is a major break with established international thinking around 'victimhood' and it remains the TRC achievement that is the least acknowledgement (Krog 1998, 290).

Besides foreclosing opportunities for truth telling and reconciliation, the Mugabe government prevented harmed communities from interring their dead and establishing memorials for victims of the *Gukurahundi* mass murders. Such denial to memorialize the communal harm were a potent weapon against survivors, because memorials are symbolic reparations (Hopwood 2011, 6).

The Mnangagwa-led government's perpetuation of the foregoing amnesia in the aftermath of gross politically-motivated violence did not connote strong ethical grounding. Rather, it affirmed incapacity to account for potentially embarrassing political excesses and, possibly, lack of moral courage to confront egregious political behavior perpetrated by allies, surrogates, and supporters. The Zimbabwean leadership's constant demand to disregard acts of politically motivated harm compelled harmed citizens to subdue their pains. This approach is insensitive because the past is never past for victims of politically-motivated violence, especially in circumstances where they confront memories of the loss of loved ones, impaired livelihoods and the debilitating effects of bodily injuries in their everyday engagements. Most victims endure post-conflict lives in the same spatial locations where they experienced harm, what Pierre Nora (1996, 1) calls "*milieu de mémoire*,

settings in which memory is a real part of everyday experience." Mashingaidze (2017) argues that disregarding survivors' injuries and senses of loss forces them into ever diminishing cycles of existence and being.

Essentially, to expect victims to forgive their violators and forget their pains is an act of denialism because it silences victims' voices from exposing oppression and abuse (Tarusarira 2019). Where possible, states and governments should avail victims of gross politically-motivated harm empathetic spaces for narrating their losses, injuries and pains. Archbishop Desmond Tutu, the Chair of South Africa's TRC, once presciently identified the intricate connections between truth, healing and reconciliation by saying:

I hope that the work of the Commission, by opening wounds to cleanse them, will thereby stop them from festering. We cannot be facile and say bygones will be bygones, because they will not be bygones and will return to haunt us. True reconciliation is never cheap, for it is based on forgiveness, which is costly. Forgiveness in turn depends on repentance, which has to be based on an acknowledgement of what was done wrong, and therefore on disclosure of the truth. You cannot forgive what you do not know (Tutu 1995).

Zimbabwe's silencing of open and public discussions about the pains of the past was a time-buying strategy that ultimately neutered perpetrator culpability. It also compromised the affirmative potency of survivor's testimonies and victims' renditions of their abuse, and in the long run blurred the victim-perpetrator binary.

## Unending Violence in the New Dispensation

State-sanctioned violence, torture, rape, and killings of opponents persisted under the new dispensation and this confirmed a "dangerously low tolerance for dissent" (Kingsley and Moyo 2019). On August 1<sup>st</sup> 2018 soldiers using live ammunition killed six MDC supporters demonstrating against the presumed vote rigging and delays in releasing the results of the recently held Presidential elections. These soldiers indiscriminately shot at the demonstrators, most of them from the back. Some bystanders were also killed (Rogers 2019, 118). In response, President Mnangagwa quickly set up a controversial six member international commission of enquiry led by the former South African President, Kgalema Motlante. Three of the local commissioners seemed partisan because one was a well-known and active ruling party supporter, another one was opposed to the MDC (whose supporters had

been killed), while the third was well ensconced in the country's governance structures. Among the three foreign commissioners was a retired Tanzanian military general with strong ties to the Zimbabwean military.

The commission's terms of reference were also somewhat inappropriate: it focused on what "necessitated" the deployment rather than who "authorised" the deployment of the soldiers. Presidential authority was necessary in the deployment of the army, especially, in the domestic policing sphere. It is presumed that the Vice President, who was also the Minister of Defence, deployed the army without the President's knowledge. The President is the commander-in-chief of the Armed Forces. Therefore, it seems in crafting the commission's terms of reference the President and his advisors were trying to deflect culpability and also avoid exposing the Vice President's possible unprocedural actions (Matyszak 2019). Nearly two years after the commission's submission of its final report on the killings, none of the soldiers who killed the people have been prosecuted.

The country witnessed additional bouts of violence from the security forces in mid-January 2019 when the Zimbabwe Congress of Trade Unions (ZCTU) organized worker stay-aways against price hikes, dwindling salaries and the ever-escalating cost of living in the country. In response, the government imposed a three-day internet blackout to disable potential mobilisation among citizens. The government further deployed state security agents to maintain a curfew. However, these security forces quickly went on a pre-emptive rampage of abductions and enforced disappearances of oppositional activists and trade unionists spearheading demonstrations. By the time of their withdrawal from the communities, they had carried out 17 extrajudicial killings, 17 rapes and 26 abductions. More than one thousand people were also arrested in dragnet arrests (Nichols 2019). The President, who was outside the country courting investors, failed to condemn the security forces' high-handedness. He "tweeted a statement denouncing the 'wanton violence and vandalism' – not of the soldiers, but of the demonstrators" (Rogers 2019, 118).

The police unleashed further violence against weaponless MDC-aligned peaceful demonstrators on the 16<sup>th</sup> of August 2019. These people were demonstrating against the escalating cost of living amidst spiraling inflation, fuel shortages, water scarcity and power outages. Several organisations, including the Law Society of Zimbabwe (LSZ) criticised the police's brutality against the demonstrators and noted that "where the demonstrators are subdued, there is no legal justification for unrelenting and unmitigated assaults to be perpetrated on unarmed citizens" (Nicodamus 2019). The

police's high-handedness against demonstrators signaled a shrinkage of civic space and this was a big dent on the Mnangagwa government's image of a "New Dispensation." These state-instigated assaults on citizens and the concomitant unlawful detentions violated Section 50 (10) of the Zimbabwean Constitution, which provides that a person arrested or detained must be informed at the time of arrest of the charges preferred against them. Such arrested people have to be treated humanely as enshrined in section 53 of the same constitution which stipulates that "No person may be subject to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment" (Constitution of Zimbabwe 2013).

## Enforced Disappearances

In addition to the foregoing, from January 2019 to May 2020 the country witnessed a series of abductions, torture and enforced disappearances of government detractors by "unknown assailants." By October 2019, 50 activists, including Dr Peter Magombeyi, who was leading the medical doctors' strike action for better pay and conditions of service, had endured such abductions (Zenda 2019). The medical doctors' strike embarrassed the state by paralysing the health sector. On the 13<sup>th</sup> of May 2020 the MP for Harare West, Joana Mamombe, and two other female MDC colleagues, Cecilia Chimbi and Netsai Marova, were "abducted" from police custody at Harare Central Police Station by unknown assailants. They had been arrested at a police roadblock after staging an unsanctioned flash demonstration against worsening hunger and poverty in the country. The police claimed the women had violated the country's COVID-19 lockdown restrictions on demonstrations and gathering. The women were found two days later, distraught and heavily battered at Muchapondwa Business Centre in Bindura, more than 80 kilometres from Harare. They had also been sexually assaulted (Moyo 2020). This abuse drew international condemnation from the European Union, the United States and African civic organisations (European Union Delegation to the Republic of Zimbabwe 2020).

In spite of apparent hallmarks of state security involvement in the abductions and enforced disappearances of the activists, the government customarily offered lame subterfuges by claiming the existence of a Third Hand made up of disgruntled members of the old establishment or Mugabe loyalists known as the G40 faction (Ndlovu 2019, 180 and 196). At times these government officers claimed the activists were self-abducting in order to embarrass the government and to remain in the political limelight. Nick



Mangwana, the Permanent Secretary in the Ministry of Information, Publicity and Broadcasting Services denied government involvement by casting aspersions on the abducted activists:

Why would a state torture people for participating in a much-flopped demonstration? There is no reason nor rhyme for the government to do that because doing so would be shooting itself in the foot. On the contrary some stand to gain from playing the spoiler through inflicting a reputation damage on the Government of Zimbabwe... There is no doubt... that what faces this Government is a case of serious smear campaign. The perpetrator is either the opposition or some remnants of the previous regime who are still quite bitter and cannot stomach to see the success of President Mnangagwa's policies including that of re-engagement. There is also a possibility that these parties are working together in orchestrating their dark arts (Mangwana 2020).

In spite of the rebuttals embedded in the foregoing statement, the Zimbabwean government has never investigated or prosecuted anyone for the numerous cases of abductions, torture and enforced disappearances that happened under the new dispensation. Like the Mugabe government, the new dispensation continued to renege on its constitutional mandate and international obligations to investigate and prosecute politically motivated crimes committed by its security agents and other political actors, especially those aligned to the ruling party (Gwinyai 2020; Masuku 2020; New-zimbabwe.com. 2020; Taruvinga 2020). This shows that the Mugabe era's machinery of repression remained intact under the new dispensation. The Zimbabwean lawyer, Douglas Coltart aptly argued against the persistent disregard for human rights:

There is very little respect for the rule of law in Zimbabwe. The institutions that are meant to uphold and protect the rule of law are fundamentally broken and are being used instead to undermine the rule of law. What we have in Zimbabwe is what we call rule by law: where the law is used as a coercive means of meting out oppression and injustice (Newsday 2020).

## Conclusion

This article has shown that in spite of the occasional expressions of liberatory rhetoric by President Mnangagwa and his ruling ZANU-PF party,

Zimbabwe persisted as a nation enchained to its mendacious past. The *New Dispensation* government failed to reinvent itself into a transformative agent for steering the country into a free, transparent, and inclusive future. Zimbabwe remained beholden to the Robert Mugabe rule book of maintaining political power: public beatings, torture, abductions, and enforced disappearances of oppositional citizens. Therefore, Zimbabwe's presumed *New Dispensation* ushered through the November 2017 military-assisted transition was not a turning point but a populist cover up for the perpetuation of the high-handed practices inherited from the Mugabe-dominated era.

The transition implied in the notion of a *New Dispensation* was not based on a strong moral rejection of the excesses of the previous regime because the securocratic culture and legal architecture that abets impunity and all its after-effects continued unrestrained. In order to navigate its way into a peaceful future, the Zimbabwean government has to reduce force projection by deescalating military intervention in the civilian policing sphere. The military should be a defense-only-force, well attuned to non-violent means of conflict resolution (Harris 2004). The Mnangagwa government has to resolve the country's human dignity deficit by establishing a culture of peace. This is "a set of values, attitudes, modes of behavior and ways of life that reject violence and prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation among individuals, groups and nations" (United Nations Document A/53/370 apud Harris 2011, 122). Just like in the Mugabe era, the new government has been failing to establish a culture of peace because of endemic impunity in its political practices.

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## ABSTRACT

This article attempts to audit the capacity and commitment of Zimbabwe's post-Mugabe government to reconcile Zimbabweans and heal the country's historical wounds and haunting legacies of politically motivated violence. Following the November 2017 military-assisted transition, President Emmerson Mnangagwa's newfound rhetoric signaled a rejection of the violence and combative politics of his predecessor, the long-serving President Robert Mugabe. In spite of having been a key enabler to President Mugabe from the Zimbabwean liberation struggle days in the 1970s to the postcolonial era, President Mnangagwa re-presented himself as a transformative politician who wanted to deescalate domestic political tensions by calling for peace and inclusivity in the management of national affairs. He also urged his fellow citizens to disregard the politically motivated pains of the past and collectively move on under the all-embracing triadic national banner of unity, peace and development.

In spite of this conciliatory, though amnesia-riven rhetoric, that sought to unify the country's competing and antagonistic political constituencies, in reality, the Mnangagwa-led government, popularly defined as the *New Dispensation*, perpetuated the high-handed Mugabe era tactics of violence, abductions, and enforced disappearances against political opponents. It is therefore argued that the changeover implied in the ideal of a *New Dispensation* amounted to sheer populist gesturing because Zimbabwe has largely remained enmeshed in the impunity and appeasement gridlock of state-instigated spasms of violence against political opponents, interspersed with official silences and denialism.

## KEYWORDS

Zimbabwe. Violence. New dispensation. Impunity. Silences. Denialism.

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