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Sources of Restraint on State Use of Political Violence: A Case Study, Zimbabwe 2000-2008

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LIST OF ABBREVIATIONS

ACLED	Armed Conflict Location and Event Data Project
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
ESAP	Economic Structural Adjustment Programme
EU	European Union
GoZ	Government of Zimbabwe
ICG	International Crisis Group
IMF	International Monetary Fund
MDC	Movement for Democratic Change
NCA	National Constitutional Assembly
NGO	Non-Governmental Organisation
SADC	Southern African Development Community
SCAD	Social Conflict Analysis Database
UN	United Nations
UNDP	United Nations Development Programme
WOZA	Women of Zimbabwe Arise
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union
ZCTU	Zimbabwe Congress of Trade Unions
ZDF	Zimbabwean Defence Forces
ZESN	Zimbabwe Election Support Network
ZLHR	Zimbabwe Lawyers for Human Rights
ZRP	Zimbabwe Republic Police

SUMMARY

This paper takes a case study approach to explore sources of restraint on state political violence. It explores a period when violence by the Zimbabwean state was widespread, but not absolute, and when various forces sought to restrain violence.

This paper identifies a series of dualities underlying issues of violence and restraint by the Zimbabwean state. It finds that the ruling party was concerned to retain legitimacy as well as power and that this conflicted dynamic provided the basis for both the targeted use of violence and a degree of restraint. It notes that violence was used both to suppress opposition and to mobilise support, and drew on patriotic narratives around the ruling party's role in the liberation war. Restraint from violence reflected political and practical considerations, and varied according to the regime's sense of security.

This paper finds that state institutions of law and order were largely co-opted by the regime, but that remaining elements of independence and professionalism may have provided a degree of restraint. It suggests that challenges to state violence by non-state actors elevated the regime perception of threat and did not prevent the use of violence, but did draw critical international attention.

This paper suggests that the gulf between regional and Western responses to state violence in Zimbabwe reflected their conflicting perspectives on issues around human

rights and sovereignty, and the colonial legacy. It found no evidence that either regional 'quiet diplomacy' or Western condemnation and sanctions had direct impact in preventing state violence. Nonetheless, it notes that the Zimbabwean state was concerned to avoid united international condemnation and the risk of military intervention and that this may have been a factor in restraining the severity of state violence.

This paper suggests the need for further research into state decision making around the use of violence and restraint.

1 INTRODUCTION

1.1 Research Questions and Rationale

Many authoritarian states have used terror tactics against their citizens. In a few cases state control through violence and intimidation appears near absolute. But in many more cases, state use of violence against citizens has been sporadic and subject to some degree of restraint. Efforts to restrain authoritarian state behaviour have come from various sources, internal and external to the regime, and have been based on both normative and practical considerations. In this study, I explore the sources of restraint in a particular case, over a particular time period – Zimbabwe from 2000 to 2008.

Violence has been part of the fabric of political life in Zimbabwe reaching back to the colonial period. As I will set out, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), which has dominated government since independence, has its roots in the armed struggle for black majority rule and has been deeply enmeshed with the institutions of the state, especially the military and security forces. President Robert Mugabe and ZANU-PF have based their enduring claim to rule on their role in the liberation struggle.[1]

[1] See, eg, Bratton, M. (2014) Power Politics in Zimbabwe, Lynne Rienner Publishers and Tendi, B-M. (2010) Making History in Mugabe's Zimbabwe: Politics, Intellectuals and the Media, Peter Lang

I have chosen to focus on the period 2000 to 2008, when political and economic pressures contributed to a particularly brutal explosion of violence.[2] The dominance of ZANU-PF and Mugabe came under serious threat, with the emergence of a credible political opposition and two shock electoral defeats.[3]

Given the systematic use of violence by the state throughout this period, one might question whether it is reasonable to talk of restraint. But, while violence was widely used by the state, it was not absolute: political opposition, legal challenges, civil society protests all continued. Opposition leader Morgan Tsvangirai was repeatedly beaten up and detained and was put on trial for treason - but he survived, the charges against him were dismissed by the courts and he was released to continue to challenge the ZANU-PF government. While the death toll of the Matabeleland massacres of the early 1980s is generally set at around 20,000, estimates of political killings in Zimbabwe between 2000 and 2008 are in the hundreds.[4]

In this case study, I explore how various actors - within Zimbabwe, in the region and internationally – sought to restrain state violence. I consider how political, institutional and economic factors affected what levers were available and what

[2] Other researchers address this period, eg Dorman, S. (2016) Understanding Zimbabwe: From Liberation to Authoritarianism, Oxford University Press, Chapter 6; LeBas, A. (2011) Opposition Parties and Democratization in Africa, Oxford University Press, Chapter 7; and Alexander, J. and McGregor, J. (2013) Introduction: Politics, Patronage and Violence in Zimbabwe, Journal of Southern African Studies, 39:4, pp749-763

[3] See, eg, Bratton, Power Politics in Zimbabwe, pp73-93

[4] For Matabeleland massacres see, eg, International Association of Genocide Scholars (2005) Resolution on Zimbabwe, www.genocidescholars.org/resources/resolutions; for subsequent killings see Armed Conflict Location and Event Data Project (ACLED), https://www.acleddata.com/data/

impact they had. I also consider the interplay of domestic, regional and international actors. I identify three broad themes around issues of restraint:

- notions of legitimacy, serving to justify, challenge and limit violence;
- insecure sovereignty and fear of outside intervention;
- conflicted institutions, in particular, the shifting balance between professionalism and politicisation within state institutions of law and order.

A further factor was polarization, as the use of violence entrenched positions on both sides and raised the perceived cost to the government side of losing power. On this basis, I approach domestic sources of restraint under the headings of State and Non-state sources. Nonetheless, I acknowledge that, while political neutrality in both state and non-state institutions was severely challenged, it was not altogether eliminated.

The dichotomy of 'friend' or 'foe' is likewise apparent in my consideration of the regional, Western and international voices of restraint. At the same time, I consider the interplay of their various efforts to restrain state violence, the discourse around them and the impact in practice.

My approach is thematic rather than chronological. While state violence peaked in 2008 at the end of the period under study, the underlying forces and narratives were present throughout the period.

1.2 Literature Review

In this study, I draw on accounts of actions and narratives of violence by the Zimbabwean state, as well as wider theories of state violence and sources of restraint.

1.2.1 Political violence and the 'semi-authoritarian' state

The authoritarian state is defined by the conflation of state and regime.[5] But in many cases, authoritarian government is combined with at least some of the trappings of democracy, including periodic elections.

The 'More Murder in the Middle' theory suggests that more killing by the state occurs in semi-democratic states than in either full democracies or fully authoritarian regimes, but this does not explain variations in levels of violence within 'semi-democracies'.[6] Ritter suggests that insecure regimes are more likely to use violence against their populations than secure ones.[7] In his study of the use of violence in civil war, Kalyvas suggests violence is most prevalent where one party is dominant but has incomplete control – a condition that has persisted in Zimbabwe.[8] He also notes that

[5] Way, L. A., Authoritarian Failure: How Does State Weakness Strengthen Electoral Competition? in Schedler, A. (ed) (2006) Electoral Authoritarianism: The Dynamics of Unfree Competition, Lynne Rienner Publishers Inc., p169

[6] Fein, H. (1995) More Murder in the Middle: Life-Integrity Violations and Democracy in the World, 1987, Human Rights Quarterly, 17:1, pp170-191

[7] Ritter, E.H. (2014) Policy Disputes, Political Survival, and the Onset and Severity of State Repression, Journal of Conflict Resolution, 58, 1, p158

[8] Kalyvas, S. N. (2006) The Logic of Violence in Civil War, Cambridge University Press, p174

fear may be used to produce loyalty as well as punish dissent.[9] On this basis, it is unsurprising that elections where the Government of Zimbabwe (GoZ) faced serious opposition were a particular focus of violence in Zimbabwe in the period under study.

Considering the widespread occurrence of and attention given to political violence around elections, there is relatively little research into its causes or the reasons for variations. Höglund suggests that certain factors such as a political system based on "patrimonialism" increase the risk of electoral violence.[10] Schedler suggests a vicious cycle – "The same way authoritarian governance engenders authoritarian elections, authoritarian elections feed authoritarian governance."[11]

DeMeritt flags up various unanswered questions in the study of state repression and political violence, in particular, she notes that "Empirical regularities about how governments set the severity of repression and how they select from the set of available repressive tactics have not yet crystallized".[12] Ritter suggests that repression and dissent should be viewed as a dynamic conflict, "rather than a leader's simple choice".[13] She also notes that different decision making processes are involved in the onset and the severity of repressive action, potentially explaining some variation in outcomes.[14]

[9] Ibid, p115
[10] Höglund, K. (2009) Electoral Violence in Conflict Ridden Societies: Concepts, Causes and Consequences, Terrorism and Political Violence, 21:3, p420
[11] Schedler, A. The Logic of Electoral Authoritarianism, in Schedler, A. (ed) (2006) Electoral Authoritarianism: The Dynamics of Unfree Competition, Lynne Rienner Publishers, p6
[12] DeMeritt, J.H.R. (2016), The Strategic Use of State Repression and Political Violence, in the Oxford Research Encyclopaedia of Politics, p7
[13] Ritter, Policy Disputes, p162
[14] Ritter, Policy Disputes, p160

While it might generally be assumed that states use violence to suppress dissent, both DeMeritt and Davenport note that research is inconclusive on the question of whether or not repressive behaviour does, in fact, reduce dissent.[15] Davenport also notes the need for further consideration of the interaction between violent and non-violent forms of repression, eg propaganda, patronage or neglect (all of which were deployed by the Zimbabwean state). [16]

1.2.2 Restraints on the use of political violence

In his exploration of the issue of restraint from violence, Straus suggests that "because restraint always exists (though at varying strength), for violence to succeed sources and voices of restraint must be marginalized, overwhelmed, or destroyed".[17] He adds that "societies are not hardwired only for violence, and outsiders can make a difference."[18] Brownlee, however, suggests that outside pressure and support "has been secondary to the domestic dynamic by which regimes cohere or fragment".[19] He also suggests that authoritarian states are not maintained by the unrestrained and arbitrary use of power: "Indeed the reverse is more accurately the case: organizational restraints prolong and expand power".[20]

[15] DeMeritt, The Strategic Use of State Repression, p5, and Davenport, C. (2007) State Repression and Political Order, Annual Review of Political Science, 10, p8
[16] Davenport, State Repression and Political Order, p9
[17] Straus, S. (2012) Retreating from the Brink: Theorizing Mass Violence and the Dynamics of Restraint, Perspectives on Politics, Vol 10, No2, p344
[18] ibid, p344
[19] Brownlee, J. (2007) Authoritarianism in an Age of Democratization, Cambridge University Press, p203
[20] ibid, p202

Stohl suggests that the probability of a state using terror against its citizens depends upon the "relative expected utility of terrorist action"; that is, the benefits versus the costs.[21] He further distinguishes between response costs and production costs: production costs being the (economic and political) costs of the action itself and response costs being those imposed by the targeted group or sympathisers, both of which came into play for the GoZ.[22]

Much of the literature generated by human rights organisations sees state violence and restraint in dichotomous terms, with the autocratic state projecting power which the democratic opposition, civil society and external players seek to restrain.[23] Reus-Smit challenges the idea of a zero-sum game between human rights and sovereignty, suggesting rather that "the discourses of political authority and rights are in dialogue.. about legitimate statehood".[24] This notion is of particular relevance to the post-colonial state, such as Zimbabwe, with its origins and identity in a rights-based struggle.

Given the extent of international efforts to challenge human rights abuses, there is surprisingly little formal analysis of their impact, and less agreement. In a quantitative study, DeMeritt finds that 'naming and shaming' by international

[21] Stohl, M. (2008) The Global War on Terror and State Terrorism, Perspectives on Terrorism, Vol. 2, No. 9, Special Issue: under-investigated topics in terrorism research, p6
[22] Ibid, pp6/7
[23] See eg reports by Human Rights Watch, https://www.hrw.org/africa/zimbabwe, and Amnesty International, https://www.amnesty.org/en/countries/africa/zimbabwe/
[24] Reus-Smit, C. (2001) Human rights and the social construction of sovereignty, Review of International Studies (2001), 27, p538

governmental and non-governmental organisations has an impact on preventing and (a lesser impact) on reducing the severity of state killing.[25] She distinguishes between the leaders who order killing and those who carry it out and notes that 'naming and shaming' raises risks for both leaders and perpetrators, as well as raising the risk that a leader's order may be disobeyed.[26]

Hafner-Burton suggests that 'naming and shaming' human rights abusers has mixed results, producing some improvements in specific behaviours or laws, but often counter-balanced by continuing violations.[27] Based on a comparative study, Wood concludes that economic sanctions tend to increase, rather than reduce state repression – "sanctions threaten the stability of target incumbents, leading them to augment their level of repression in an effort to stabilize the regime… and suppress popular dissent."[28]

Levitsky and Way set out two dimensions of international pressure on authoritarian regimes in the post-Cold War period: leverage and linkage. They argue that leverage, eg diplomatic pressure or conditionality, was rarely effective without extensive political, economic and social linkage.[29] They further note that an authoritarian state's responsiveness to outside pressure may be reduced if it has support from an

[25] DeMeritt, J.H.R. (2012) International Organisations and Government Killing: Does Naming and Shaming Save Lives?, International Interactions, 38:5, pp597-621
[26] ibid, p616
[27] Hafner-Burton, E.M. (2008) Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem, International Organisation, 62, pp689-716
[28] Wood, M. (2008) 'A Hand upon the Throat of the Nation': Economic Sanctions and State Repression, 1976- 2001, International Studies Quarterly, 52:3, p489
[29] Levitsky, S. and Way, L.A. Linkage and Leverage: How Do International Factors Change Domestic Balances of Power? in Schedler, A. (ed) (2006) Electoral Authoritarianism: the Dynamics of Unfree Competition, Lynne Rienner Publishers, p200

alternative regional power, and point to South Africa's role towards Zimbabwe in this regard.[30] Widner and Scher too note the limits of external leverage: in particular, the withdrawal of aid is a ploy that can only be used once.[31]

There is little academic literature on the impact of election monitoring in restraining violence, although Birch and Muchlinski note that "many of the motives of the elites who orchestrate violence as part of the electoral process are associated with underlying power relations and the high stakes that electoral outcomes entail. These factors are associated with deep-seated interests that cannot easily be swayed".[32] Nonetheless, Höglund suggests that "while the introduction of electoral monitoring might not prevent violence from occurring, local and international observation can have a dampening influence on violence intensity."[33]

1.2.3 Political violence in Zimbabwe

There is a wide literature, both academic and non-academic, on Zimbabwe's pre- and post-independence political struggles. Continuity and change are recurring themes. Dorman notes that, while the crisis of 2000-2008 "is often seen as a "rupture" in Zimbabwe's political trajectory, … there are in fact strong continuities which reveal

[30] ibid, p201
[31] Widner, J. and Scher, D. Building Judicial Independence in Semi-Democracies: Uganda and Zimbabwe, in Ginsburg, T. and Moustafa, T. (2008) (eds) Rule by Law: The Politics of Courts in Authoritarian Regimes, Cambridge University Press, p255
[32] Birch, S. and Muchlinski, D. (2018) Electoral violence prevention: what works?, Democratization, 25:3, p391
[33] Höglund, Electoral Violence, p423

the reproduction of practices and norms from earlier years".[34] Various commentators trace continuities in ZANU-PF's use of violence and coercion against the civilian population from the independence struggle to the present.[35] Continuities with the militarism and elitism of the Rhodesian state are also noted.[36]

There is a strand of writing which portrays the descent into violence of 2000-08 as the inevitable culmination of the aggressive and autocratic tendencies of Mugabe and ZANU-PF.[37] Others look more closely into the actual functioning of the Zimbabwean state and draw out the dualities of the ZANU-PF project.[38] Alexander and McGregor note that the liberation struggle "placed claims to authority on both the terrains of law and bureaucracy and on a revolutionary 'people's power'".[39] Studies by Booysen, Verheul and Tendi explore how such conflicted notions of legitimacy – based on both law and liberation – play out at both individual and institutional level.[40] Chitiyo

[34] Dorman, S. (2016) Understanding Zimbabwe: From Liberation to Authoritarianism, Oxford Scholarship Online, Chapter 6, Abstract

[35] Eg Doran, S. (2017) Kingdom, power, glory: Mugabe, Zanu and the quest for supremacy, 1960-1987, Sithatha; Dorman, S. (2016) Understanding Zimbabwe: From Liberation to Authoritarianism, Hurst and Company; Compagnon, D. (2011) A Predictable Tragedy: Robert Mugabe and the Collapse of Zimbabwe; Sachikonye, L. (2011), Zimbabwe's Lost Decade, Politics, Development and Society, Weaver Press

[36] Campbell, H. (2003) Reclaiming Zimbabwe: The Exhaustion of the Patriarchal Model of Liberation, Africa World Press Inc., p6

[37] Eg Meredith, M. (2003) Mugabe: power and plunder in Zimbabwe, Public Affairs
Blair, D. (2003) Degrees in violence: Robert Mugabe and the struggle for power in Zimbabwe, Continuum

[38] Eg Alexander and McGregor, Politics, Patronage and Violence; Booysen, S. The Dualities of Contemporary Zimbabwean Politics: Constitutionalism Versus the Law of Power and the Land, 1999-2002, African Studies Quarterly 7:2&3, pp1-31; Dorman, Understanding Zimbabwe

[39] Alexander and McGregor, Politics, Patronage and Violence, p751

[40] Verheul, S.(2013) 'Rebels' and 'Good Boys': Patronage, Intimidation and Resistance in Zimbabwe's Attorney General's Office after 2000, Journal of Southern African Studies, 39:4, pp765–782; Booysen, The Dualities of Contemporary Zimbabwean Politics

describes a similar "uneasy and uneven duality between professionalism and politicisation within the security sector".[41]

The duality of 'inclusion' and 'exclusion' is explored by writers such as Dorman and Ncube, shedding light on how a programme of national unity led to the exclusion of voices of dissent.[42] A further duality is between notions of sovereignty and legitimacy, which shaped divisions at the national, regional and international level.[43]

There is a significant focus in the literature on the figure of Robert Mugabe.[44] This is in keeping with 'Big Man' theories of African leadership, which contrast rule centred on an autocratic leader with pluralistic systems of government.[45] Bauer and Taylor reject this approach as reductionist – "Mugabe does not *define* Zimbabwe".[46] More usefully, moving beyond the man himself, Ndlovu-Gatsheni addresses the contested phenomenon of 'Mugabeism', exploring the wider origins and appeal of a set of ideas and actions that has its roots in colonialism, and whose "operation as a nest of contradictions is part of its character and survival strategy".[47]

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[41] Chitiyo, K. (2009) The Case for Security Sector Reform in Zimbabwe, Royal United Services Institute, Occasional Paper, p3

[42] Dorman, S.R. (2001) Inclusion and Exclusion: NGOs and Politics in Zimbabwe, PhD Thesis; Ncube, C (2010) Contesting Hegemony: Civil Society and the Struggle for Social Change in Zimbabwe , 2000 – 2008, PhD Thesis

[43] Raftopoulos, B. (2010) The Global Political Agreement as a 'Passive Revolution': Notes on Contemporary Politics in Zimbabwe, The Round Table: the Commonwealth Journal of International Affairs, 99: 411, pp705-718; Alao, A. (2012) Mugabe and the Politics of Security in Zimbabwe, McGill-Queen's University Press

[44] Eg Meredith, Mugabe: Power and plunder; and Blair, Degrees in Violence

[45] eg Diamond, L. (2008) The Rule of Law versus the Big Man, Journal of Democracy Vol 19, No2, pp138-149

[46] Bauer, G. and Taylor, S. (2005) Politics in Southern Africa: State and Society in Transition, Lynne Rienner Publishers

[47] Ndlovu-Gatsheni, S. J. (2009) Making Sense of Mugabeism in Local and Global Politics: 'So Blair, Keep Your England and Let Me Keep My Zimbabwe.' Third World Quarterly 30:6, p1141

1.2.4 Narratives of violence: nationalism, anti-colonialism and 'Patriotic History'

Various commentators address the way in which nationalist interpretations of history have been used to shape political narratives in Zimbabwe (as was the case during the period under study). Ranger recounts the emergence of a 'Patriotic History', which sets the (indigenous) values of the liberation war above and against the (alien) values of universal rights and pluralism.[48] Tendi explores how this conception of history has been instrumentalised, allowing the use of violence by the Zimbabwean state to be incorporated into a wider political narrative of anti-colonialism and African nationalism.[49] As Dorman sets out, violence was used by the GoZ to portray political differences as a continuation of the anti-colonial liberation struggle.[50]

'Patriotic history' provided a basis to reject criticism on human rights grounds as "a form of Western 'moral imperialism'", particularly when it came from the former colonial power, the UK.[51] Tendi sets out how the competing narratives of nationalism and human rights were personalised in the "demonisation discourses" deployed by both Mugabe and UK Prime Minister Tony Blair.[52] The power of anti-colonial narratives in shaping regional responses to violence in Zimbabwe, and to Western criticism, is explored in Alao's account of Zimbabwe's regional and

[48] Ranger, T. (2004) Nationalist Historiography, Patriotic History and the History of the Nation: the Struggle over the Past in Zimbabwe, Journal of Southern African Studies, 30:2, pp215-234
[49] Tendi, Making History
[50] Dorman, Understanding Zimbabwe, p144
[51] Tendi, Making History, p9
[52] Tendi, B-M. (2014) The Origins and Functions of Demonisation Discourses in Britain–Zimbabwe Relations (2000 –), Journal of Southern African Studies, 40:6, p1251

international security relationships.[53] Melber's collection of studies of governments that have emerged from liberation movements in Southern Africa offers further insight into regional attitudes.[54]

1.2.5 Conclusion

The literature on Zimbabwe tends to focus on the commission of violence, rather than restraint. However, the widely noted dualities in Zimbabwean political culture - in particular, between legitimacy based on the established forms of governance on the one hand and revolutionary legitimacy on the other - suggest sources of both licence and restraint.

In the wider literature, government insecurity is widely associated with recourse to violence. Again, there is comparatively little analysis of the issue of restraint. What research there has been suggests that outside actors have limited impact. Both empirical and theoretical accounts point to the need for more work in this area.

1.3 Methodology

1.3.1 Data and analysis

[53] Alao, Mugabe and the Politics of Security

[54] Melber, H. (2003) (ed) Limits to liberation in southern Africa: the unfinished business of democratic consolidation, HSRC Press

I draw on quantitative data from the Armed Conflict Location and Event Data Project (ACLED) and the Social Conflict Analysis Database (SCAD).[55] ACLED provides disaggregated data and analysis on political violence and protests, drawing on reports from the media, civil society and local and international organisations. SCAD covers a wider range of social conflict, including protests, strikes and inter-communal conflict, and draws its data from reports in the Associated Press and Agence France Presse news wires. Neither of these databases provides a precise or complete set of data, but they do give a sense of the scale, trends, targets and perpetrators of political violence in Zimbabwe over the period under study. I also draw on qualitiative and quantitative reports from various written sources, eg local and international media and non-governmental organisations (NGOs).[56]

I also conducted a small number of interviews with representatives of government and international organisations in order to supplement, support and question data from written sources. My approach to the issues was also informed by conversations with representatives of NGOs who were happy to share views, but did not wish to be formally interviewed.

Wood and Gibney raise the issue of the weighting given to one form of repression over another.[57] In this study, I start from the basis that a threat is lesser violence

[55] ACLED, and Social Conflict Analysis Database (SCAD) https://www.strausscenter.org/ccaps/research/about-social-conflict.html

[56] in particular, the Monthly Political Violence Reports by the Zimbabwe Human Rights NGO Forum, www.hrforum.zim.org

[57] Wood, R.M. and Gibney M. (2010) The Political Terror Scale (PTS): A Re-introduction and a Comparison to CIRI, Human Rights Quarterly 32:2, p377

than an assault, and that assault is lesser violence than killing. I am nonetheless conscious that, at a societal level, pervasive fear may be the greatest form of political violence.

1.4 Limitations

Restraint essentially involves refraining from a course of action, raising the difficulty of demonstrating a negative. Even more challenging is to identify a causal relationship between voices of restraint and state actions. Nonetheless, variations in the extent and severity of political violence may be viewed over time and trends may be observed.

DeMeritt further notes that "As those who would challenge the status quo begin to anticipate repression, political violence becomes unnecessary and may itself be unobserved."[58] Thus 'restraint' may represent the state's judgement that violence has achieved its goal in suppressing dissent. While this is not the positive restraint that lobbyists for human rights protections are seeking, it is nonetheless a factor in the behaviour of authoritarian states that merits exploration.

This study is based largely on secondary sources, without first hand research in the field. Many of the sources bring, more or less acknowledged, political and personal views to the subject.

[58] DeMeritt, The Strategic Use of State Repression, p12

2 BACKGROUND

2.1 A History of Violence

State use of political violence in the period under study is rooted in both the reality and the politicised narrative of the history of the modern Zimbabwean state.[59] It reflects both the authoritarian nature of the colonial state and its institutions and the violent struggle by and within the liberation forces.[60] Sachikonye notes how, from the 1950s, white nationalism resorted to increased state repression "with the consequence of radicalising African nationalists".[61]

During the prolonged liberation war, both state and guerrilla forces used violence against civilians, including as an instrument of mobilisation.[62] Kriger also sets out how violent rivalries played out within the liberation struggle, with enemies labelled 'sell-outs' – a rhetoric that was revived during the period under study.[63] Following the war, an indemnity law was passed for all combatants, setting a precedent of impunity.

[59] Tendi, Making History
[60] Sachikonye, Zimbabwe's Lost Decade, pp1-9
[61] Sachikonye, Zimbabwe's Lost Decade, p4
[62] Kriger, N. (2003) Guerrilla Veterans in Post-war Zimbabwe: Symbolic and Violent Politics, 1980–1987, Cambridge University Press
[63] Kriger, N. (1988) The Zimbabwean War of Liberation: Struggles within the Struggle, Journal of Southern African Studies, 14:2, pp304-322

Since independence, Mugabe and ZANU-PF have based their claim to rule on their role in liberating the county. As Ndlovu-Gatsheni notes, "Mugabe's constant refrain is about how he and the war veterans 'died' for the people of Zimbabwe (I rule you because I died for you)".[64]

Emerging from the liberation war as the dominant party under Mugabe's leadership, ZANU-PF was characterised by central control and intolerance of dissent.[65] These traits were accentuated by the nature of the peace settlement, which represented a set of compromises, rather than outright victory. Key elements of the Rhodesian security state, such as the Law and Order Maintenance Act, were kept broadly in place, while the State of Emergency remained until 1990.[66] [67] The new national army was made up of highly politicised forces from the various armed parties.[68]

When low level violence by elements of the rival Zimbabwe African People's Union (ZAPU) broke out in 1982, the ZANU-PF government responded with massively disproportionate force. 'Operation Gukurahundi', as it was known, is estimated to have killed around 20,000 people in Matabeleland, most of them civilians.[69] At the time, the international response was muted – reflecting both the limited flow of

[64] Ndlovu-Gatsheni, Making Sense of Mugabeism, p1148
[65] See eg Doran, S. (2017) Kingdom, power, glory : Mugabe, Zanu and the quest for supremacy, 1960-1987, Sithatha
[66] Kagoro, B. (2005) The Prisoners of Hope: Civil Society and the Opposition in Zimbabwe, African Security Review, 14:3, p21
[67] Gubbay, A.R. 'The Progressive Erosion of the Rule of Law in Zimbabwe', Third International Rule of Law Lecture, 09/12/09, p4/5, www.barcouncil.org.uk/media/100365/rule_of_law_lecture__agubbay_091209.pdf
[68] Chitiyo, The Case for Security Sector Reform p3
[69] see International Association of Genocide Scholars

information and unwillingness to challenge the new government.[70] Nonetheless, Doran suggests that international criticism did result in a muting of the violence in 1983.[71] Ultimately, ZAPU was effectively co-opted into ZANU-PF in a national unity accord - foreshadowing ZANU-PF's effort to dominate the Movement for Democratic Change (MDC) following the power sharing agreement of September 2008.[72]

Violence has remained one of the levers, alongside patronage and persuasion, used by ZANU-PF to assert control – within the party, state institutions and the general population. The various liberation struggles across Southern African also had an effect in shaping GoZ's response to internal dissent, as well as its relations with its neighbours. During the 1980s, the use of violence to suppress challenges to the state was justified as a defence against destabilization attempts by apartheid South Africa.[73] The linkages between internal and external security have also helped to shape regional attitudes to issues around sovereignty and legitimacy, and their response to the crisis in Zimbabwe.[74]

[70] Compagnon, D. (2011) A Predictable Tragedy: Robert Mugabe and the Collapse of Zimbabwe, University of Pennsylvania Press, pp26/27
[71] Doran, Kingdom, power, glory, p463
[72] Compagnon, A Predictable Tragedy, p27
[73] Dorman, Inclusion and Exclusion, p55
[74] See, eg, Alao, Mugabe and the Politics of Security

2.2 Political and Economic Background

The end of the Cold War in 1990 and, shortly after, of apartheid in South Africa dramatically changed the political and economic environment and brought a new international focus on human rights protection and economic reform.

Efforts to revive the Zimbabwean economy through an International Monetary Fund (IMF) backed Economic Structural Adjustment Programme (ESAP) failed, causing widespread hardship. Unemployment rose, salaries failed to keep pace with prices and corruption scandals further undermined public trust.[75] A wave of strikes and protests steadily grew, centred on urban areas. Most challenging to the GoZ, liberation war veterans also launched protests following revelations of corruption in the administration of the War Victims Compensation Fund.[76] In 1997 the GoZ awarded lump sum payments to the war veterans, effectively bringing them back into the ZANU-PF fold, but crippling the economy.[77] Further strain was caused by the GoZ decision in 1998 to dispatch troops to the Democratic Republic of the Congo in support of the government of President Laurent Kabila.[78]

Rural livelihoods too were affected and the land redistribution programme of the 1980s had largely ground to a halt.[79] In the late 1990s, "4,500 white-owned

[75] Alexander and McGregor, Politics, Patronage and Violence, p751
[76] Dorman, Understanding Zimbabwe, p81
[77] Ibid, pp82/3
[78] Dorman, Understanding Zimbabwe, p121/122
[79] International Crisis Group (ICG), Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa, 2004, p43

commercial farms occupied 70 per cent of Zimbabwe's most fertile areas. By contrast, up to eight million small farmers were tilling inferior soil in the Communal Areas".[80]

In 1998, civic forces for change united to form the National Constitutional Assembly (NCA) pressing for constitutional reform in alliance with the Zimbabwe Congress of Trade Unions (ZCTU).[81] In 1999, a new opposition political party – the MDC – emerged from this alliance. When the GoZ sought to co-opt the constitutional reform project, the NCA and MDC led the successful opposition to the 2000 constitutional referendum. This, ZANU-PF's first popular defeat, marked the start of the period of crisis under study.

2.3 Developments 2000-2008

GoZ defeat in the constitutional referendum was followed by a strong showing by the MDC in the 2000 parliamentary elections.[82] In response, the GoZ formed an alliance with the war veterans and backed violent land seizures in an attempt to revive its liberation war credentials.[83] Land seizures were dubbed the 'Third Chimurenga' (meaning revolutionary struggle) in an echo of past liberation struggles against the colonial state.[84] The opposition were portrayed as traitors in league with foreign interests; violence, threats and harassment were used to suppress MDC support.

[80] ICG, Zimbabwe in Crisis: Finding a Way Forward, 13/03/01, p5
[81] Raftopoulos, B. (2002) Zimbabwe's 2002 Presidential Election, African Affairs, 101:404, p414
[82] See Appendix 1 for election results during the period
[83] Cheeseman and Tendi, Power-sharing, p209/10
[84] Ranger, Nationalist Historiography, p219

The GoZ likewise deployed its liberation credentials to divide and rule international opinion, claiming to be fighting the colonial legacy of inequality against neo-colonial interests in league with the opposition.[85]

Political insecurity, economic mismanagement and rupture with the IMF and international donors accelerated economic decline. The economy shrank by more than 40 per cent during the period under study and, by 2008, inflation was over 1 million per cent; unemployment, poverty and food insecurity soared.[86] Mass displacement of urban dwellers in a GoZ 'clean-up' operation in 2005 caused further hardship and triggered a highly critical report by the United Nations (UN).[87]

Elections throughout the period were accompanied by varying levels of violence. Overall in the 2000-08 period the Zimbabwe NGO Human Rights Forum recorded over 20,000 acts of violence and intimidation against civilians, mostly by state or state-aligned forces.[88] But direct fatalities were relatively low: ACLED records a total of 287 political killings over the period.[89] Despite brutal suppression of the independent media, only one journalist was killed during the period under study.[90]

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[85] See, eg ICG, Zimbabwe: the politics of national liberation and international division, 17/10/02, pp13-15

[86] The State Of Civics In Zimbabwe - A report prepared for the Zimbabwe Institute (2008), p16, accessed online on 12/06/18 at www.zimbabweinstitute.net

[87] Tibaijuka, A. K. (2005) Report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues, www.un.org/News/dh/infocus/zimbabwe/zimbabwe_rpt.pdf

[88] Zimbabwe Human Rights NGO Forum www.hrforumzim.org

[89] ACLED

[90] See Committee to Protect Journalists, https://cpj.org/africa/zimbabwe/

2.4 Conclusion

The crisis of 2000-08 was rooted in the history of the Zimbabwean state, especially the relationship between state power and the people. During the period under study, economic decline and the rise of political dissent constituted an unprecedented challenge to ZANU-PF rule. It responded by reviving its liberation war claim to power and by deploying legal and extra-legal forms of control, including actual and rhetorical violence.

3 STATE FORCES

During the period under study, the use of violence by the Zimbabwean state was not mindless or indiscriminate. It was part of a wider strategy of ruling party control centred on narratives of national liberation. I explore how the ruling party and state institutions of law and order both targeted violence and exercised restraint in pursuit of this hegemonic goal. I recognise that, while calls for restraint from violence are often expressed in normative terms, restraint from violence may reflect political and practical calculations and institutional factors.

3.1 Zimbabwe African National Union-Patriotic Front

In exploring whether and in what way the ruling ZANU-PF exercised restraint in its use of political violence, it is necessary to consider where violence sat in ZANU-PF's ideology.[91] ZANU-PF's over-riding goal was to retain power and this was underpinned by the belief that its role in the liberation struggle gave it a natural and enduring right to rule.[92] This also gave the use of violence an elevated, political value reflected in Mugabe's much quoted liberation-era claim that "The people's votes and the people's guns are always inseparable twins".[93]

[91] In this section I use the term ZANU-PF to refer to both the ZANU-PF government and the wider party.
[92] See eg Bratton, Power Politics in Zimbabwe; and Tendi, Making History
[93] Mugabe, R., speaking in 1976, quoted in Meredith, Mugabe, Power and Plunder, opening epigraph

Nonetheless, violence was not the preferred method to exert control. As Duyvesteyn notes, "pure coercion is a very costly way to rule". Interviewee A suggested to me that ZANU-PF used three levers to retain power: control of state institutions, control of the economy, and violence; violence was not the preferred option as it was wasteful and costly.[94] Periodically persecuted groups, such as white farmers, business people, trades unionists and ethnic groups such as the Ndebele, have at other times been co-opted by the governing elite.[95]

Ncube suggests that "post-2000 Zimbabwe is visibly characterised by a political template that mixes both coercion (force) and persuasion (consent)". [96] Dorman notes that, after the widespread state violence in urban areas that followed the 2000 election, in 2001 "this tactic shifted towards trying to regain the sympathy of urban voters" and counter-balance the influential Zimbabwe Congress of Trades Unions (ZCTU).[97] While teachers were seen as a challenge to ZANU-PF authority and strikes and protests were frequently suppressed with violence, in the run up to the March 2008 elections, Mugabe instead announced substantial pay rises for striking civil servants, including teachers.[98] The exiled Zimbabwean writer, Chenjerai Hove, recounts how, before threatening him with arrest, officials first sought to co-opt him – "I was offered a farm".[99]

[94] Interview A with Western academic, 22/05/18
[95] See, eg, Alao, Mugabe and the Politics of Security
[96] Ncube, Contesting Hegemony, p110
[97] Dorman, Understanding Zimbabwe, p174
[98] ICG, Zimbabwe: Prospects from a Flawed Election, 20 March 08, p11
[99] Primorac, R. and Hove, C. (2007) "Dictatorships are Transient": Chenjerai Hove interviewed by Rank Primorac, Journal of Commonwealth Literature, 43:1, p3

Where violence was used, it was not used mindlessly, rather it was calibrated and targeted to achieve a result.[100] Interviewee A further suggested that "much of the violence is implied, it's threatened", designed to send a message, without incurring the costs of wholesale violence – "you need to balance legitimacy and power".[101] Interviewee B suggested that "violence was used selectively, it was targeted, done with some restraint".[102] During the farm invasions of 2000-02, thousands were terrorised and displaced, but only tens were killed.[103] Interviewee C suggested that, despite the role of the war veterans, "It was very controlled, centralised, it's about flying below a certain threshold."[104]

The increasing recourse to violence from the late 1990s reflected the economic collapse and consequent lack of economic levers of persuasion. Economic decline was a factor in triggering the farm invasion policy, which offered a source of power when "the patronage machine had run out of steam".[105] The economic crisis was also used to fuel the narrative of victimhood and nationalism. I return to this issue in Chapter 5 on international sources of restraint.

LeBas notes that political violence in the 2000 pre-election period was more prevalent in traditional ZANU-PF rural strongholds than in opposition supporting

[100] Dorman, Understanding Zimbabwe, p142
[101] Interview F with UK government official, 13/06/18
[102] Interview A, Western academic
[103] Human Rights Watch Report (2002) Fast Track Land Reform in Zimbabwe, Vol 14, No1 (A) https://www.hrw.org/reports/2002/zimbabwe/ZimLand0302-03.htm
[104] Interview C with Zimbabwean academic 05/06/18
[105] Africa Confidential, 'Dealing with a wounded tiger', Vol 49, No 10, 09 May 08

areas.[106] Likewise, violence after the March 2008 elections was concentrated in ZANU-PF traditional heartlands, while traditionally opposition supporting areas such as Matabeleland were largely left alone. This suggests that violence was not simply instrumental, but aimed to revive the allegiances of the liberation struggle. Interviewee C noted that ZANU-PF's use of violence was tactical and communicative, reflecting its Maoist credentials – "it was around politicisation of the rural population".[107] Interviewee A suggested that violence was used in a paternalistic "corrective" way, to motivate the population and punish 'sell-outs'.[108] That is, violence and fear were used in "the production of loyalty".[109] This notion also accords with the prevalence of non-lethal violence.

ZANU-PF's use of political violence varied in quantity and severity, as well as targets, over the period under study. ACLED data shows a peak in instances of political violence around election periods in 2002 and 2008.[110] In keeping with theories of state violence as a response to insecurity, there was noticeably less violence surrounding the parliamentary elections of 2005 when Mugabe and ZANU-PF's popularity was rising.[111] The Zimbabwe Human Rights NGO Forum notes that torture was the largest single category of violation in 2002, but showed a steady decline from that peak, and was surpassed by politically motivated arrests and detentions in

[106] LeBas, A. (2006) Polarization as Craft: Party Formation and State Violence in Zimbabwe, Comparative Politics, vol 38, No4, p428
[107] Interview C, Zimbabwean academic
[108] Interview A, Western academic
[109] Kalyvas, The Logic of Violence, p115
[110] ACLED
[111] Mamdani, M. (2009) Lessons of Zimbabwe: Mugabe in Context, Concerned Africa Scholars Bulletin N°82, p8 http://www.concernedafricascholars.org/docs/acasbulletin82-1mamdani.pdf; and Africa Confidential, Vol45, No18, 10/09/04

2005.[112] This may reflect moves by ZANU-PF to strengthen legal and institutional means of coercion by passing laws in 2002 to increase restrictions on freedom of assembly and expression and to curtail media freedoms.[113] This accords with the suggestion by interviewee A that ZANU-PF preferred to use the law, rather than violence to exert control.[114] Likewise, Chitiyo notes that "The state has frequently made constitutional amendments so as to give the patina of legitimacy to many repressive actions."[115] Booysen also suggests that "In both the interconnected domains of electoral and land action, the Zimbabwean ruling party upheld a facade of constitutionalism and legality."[116]

State manipulation of the levers of law was tactical and targeted; journalists and opposition supporters were frequently detained, but released without charge or with charges dropped.[117] ZANU-PF was prepared to exercise restraint where it could do so without risk to its grip on power. For example, there has been a moratorium on the use of the death penalty since 2005. Even at the peak of violence in 2008, Tendi writes that "The instruments of violence are fists, sticks, boots, stones, bicycle chains and metal poles - tools of the "soft" violence that does not risk external intervention."[118] Likewise, McGreal notes that "One feature of the beatings is that

[112] http://www.hrforumzim.org/press-releases/an-analysis-of-zimbabwe-human-rights-ngo-forum-legal-cases/
[113] Specifically, the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA), see, eg www.hrw.org
[114] Interview A, Western academic
[115] Chitiyo, The Case for Security Sector Reform, p26
[116] Booysen, The Dualities of Contemporary Zimbabwean Politics, p2
[117] See, eg Committee to Protect Journalists, https://cpj.org/reports/2002/07/zim-chart.php
[118] Tendi, B-M., 'Arms and the Man'', The Guardian,
01 May 08, https://www.theguardian.com/commentisfree/2008/may/01/armsandtheman1

very few people are killed. It would appear that ZANU-PF has learned that deaths attract attention."[119]

There were some, limited, voices of restraint within the ZANU-PF leadership. In 2000, during Mugabe's absence abroad, Acting President Joseph Msika, supported by Home Office Minister Dumiso Dabengwa and others, announced an end of farm invasions.[120] In 2001 Finance Minister Simba Makoni likewise advised an end to the violence in a bid to improve international relations and restore the economy.[121] Both Dabengwa and Vice-President Joyce Mujuru spoke out against the violence in 2008.[122] Considering the humanitarian disaster caused by ZANU-PF's policies, it is surprising that there were not more, and more effective, voices of dissent within ZANU-PF. In their explorations of the inner dynamics of ZANU-PF, LeBas and Compagnon suggest that polarization between ZANU-PF and the opposition MDC may have suppressed moderate factions within ZANU-PF. They also, plausibly, suggest that moderates within the party may have counted on external factors, such as the economic crisis, to bring down Mugabe and the hardliners.[123]

[119] McGreal, C., 'Beaten for voting the wrong way: how Zanu-PF is taking revenge in rural areas'', The Guardian, 16/04/08, www.theguardian.com/world/2008/apr/16/zimbabwe
[120] La Guardia, A., 'Land grab divides Mugabe cabinet', The Zimbabwe Situation, 21/04/00, https://www.zimbabwesituation.com/old/april21(2).html#d
[121] Africa Confidential, 'The hand of Lucifer', Vol42, No12, 15/06/01
[122] Africa Confidential, 'The ugly endgame', Vol49, No8, 11/04/08
[123] LeBas, A. and Compagnon, D. (2004) Une alliance qui se délite? Contrôle partisan et dynamiques internes dans la ZANU-PF (1999-2003), Politique Africaine, 93: 1, p119

Overall, state violence during the period under study was designed to balance the needs of power and legitimacy. This called for a selective, somewhat restrained use of violence supported by a political narrative and a facade of legitimacy.

3.2 Institutions of Law and Order

In principle, state institutions of law and order have a role in both carrying out and restraining the use of force based on the rule of law. In practice, the various institutions of law and order in Zimbabwe were subject to increased politicisation during the period under study. Chitiyo suggests that "by 2008, there was no real distinction between the party, the state and the government".[124] However others, such as Verheul and Alexander and McGregor note a degree of resistance to politicisation and commitment to the rule of law, especially in the judiciary.[125]

3.2.1 Military

While the Zimbabwean Defence Forces (ZDF), were both perpetrators and enablers of violence during the period under study, the bulk of the violence was carried out by informal militia. This represented both practical considerations – militia were cheap - and doubts about the willingness of the rank and file to carry out wholesale violence against civilians.[126] Interviewee F suggested that the GoZ "could not trust the [ZDF]

[124] Chitiyo, The Case for Security Sector Reform, p3
[125] Verheul, 'Rebels' and 'Good Boys'; Alexander and McGregor, Politics, Patronage and Violence
[126] Interview A, Western academic

rank and file to do the political dirty work" and that, within each regular army unit, no more than 20% would be assigned to 'political activities' for this reason.[127]

Security forces personnel were deployed alongside militia to enable, direct and, to a degree restrain, their activities. Interviewee B reported seeing militia gangs involved in violence around elections "directed by somebody very clever and very in control…he could unleash them or rein them in as much as he wanted to." He suggested that the aim was to direct the violence, but also to keep it within bounds to avoid international criticism.[128] Interviewee F noted that **t**he youth militia, known as 'the Green Bombers' were used to carry out much of the worst violence around elections – "the restraint was imposed by their handlers" [from the security forces].[129]

The ZDF, like ZANU-PF, root their identity and legitimacy in the liberation struggle. Despite periodic discontent among the rank and file and MDC efforts to win their support, there was no mass defection to the opposition during the period under study.[130] Chitiyo suggests that "desertions, resignations and retirements have acted as a safety valve for disaffected military personnel to exit the service before they became a problem".[131]

[127] Interview F, UK official
[128] Interview B with Western diplomat, 05/06/18
[129] Interview F, UK official
[130] See eg, Africa Confidential, 'Dealing with a wounded tiger', Vol 49, No 10, 09/05/08
[131] Chitiyo, The Case for Security Sector Reform, p13

The military leadership are generally understood to have been fully aligned with ZANU-PF. Two months before the 2002 Presidential elections, then ZDF Commander Vitalis Zvinavashe, stated that the security forces would "not accept, let alone support or salute" anyone whose agenda was not in line with the liberation struggle.[132] This was taken as targeted at opposition MDC leader Tsvangirai. Nonetheless, following Mugabe and ZANU-PF's defeat in the March 2008 elections, Zvinavashe called for restraint from violence "There is no reason to fight with the MDC over this election. The real problem is that man [Mugabe] not us."[133] Some senior military figures were also reported to have supported ex-ZANU-PF moderate, Simba Makoni's bid for the presidency.[134] However, faced with an MDC win, voices of restraint did not prevail.

Overall, the military were closely engaged in the ZANU-PF project to retain power through managed violence, but may have been unwilling to carry out wholesale violence against civilians.

3.2.2 Police

There is some disagreement about the extent and pace of politicisation of the Zimbabwe Republic Police (ZRP). Sithole, writing in 1997, suggests that the ZRP,

[132] Statement by Zimbabwe Defence Forces Commander Vitalis Zvinavashe, Harare, 9 January 2002, quoted on BBC website, http://news.bbc.co.uk/1/hi/world/africa/1749933.stm
[133] The Zimbabwean, 'We lost admits Zvinavashe', 25/04/08, http://www.thezimbabwean.co/2008/04/qwe-losta-admits-zvinvashe/
[134] Africa Confidential, 'The real Makoni stands up', Vol 49, No4, 15/02/08

unlike the army, was widely seen as a tool of the ruling party.[135] Chitiyo, on the other hand, notes that "the police were not instant converts to Operation Tsuro [the 2000 farm invasions], and their co-option took time. In the early phases of the operation, some police units attempted to protect the farmers and arrested the war veterans".[136] The progressive politicisation of the ZRP was aided by financial incentives – "a constable earns more than a medical doctor" – and the compulsory retirement of white police officers from 2000-01.[137] [138]

Chitiyo also distinguishes between the most politicised (and favoured) units of the ZRP, such as the Law and Order Section (riot police), and those carrying out traditional policing, who were more inclined to resist politicisation, but notes that from 2000 to 2005, "the more vocal personnel were transferred, removed from the service or relocated".[139] The dominant theme in media and human rights organisations' accounts of state violence is of police enabling, participating or standing by.[140] Repressive legislation passed in 2002 gave the police a legal basis to clamp down on opposition groups, protesters and the free media, and Presidential decrees of amnesty gave them impunity.

[135] Sithole, M. (1997) Zimbabwe's Eroding Authoritarianism, Journal of Democracy, 8:1, p133
[136] Chitiyo, The Case for Security Sector Reform, p4
[137] Africa Confidential, 'Who's next', Vol 44, No10, 16/05/03
[138] Chitiyo, The Case for Security Sector Reform, p4
[139] ibid, p13
[140] See eg, Human Rights Watch, 'Bashing Dissent: Escalating Violence and State Repression in Zimbabwe, 02/05/07 www.hrw.org/report/2007/05/02/bashing-dissent/escalating-violence-and-state-repression-zimbabwe and Africa Confidential, 'More of Mugabe', Vol 42, No8, 20/04/01

Human Rights Watch found that "of at least 163 politically motivated extrajudicial killings - almost entirely of MDC supporters - since the March 29, 2008 general elections, police have only made two arrests, neither of which led to prosecutions".[141] Chitiyo refers to claims that police officers who had attempted to investigate MDC reports of political violence were forced to resign and some "were themselves brutalised in police headquarters".[142]

The report of the African Commission on Human and Peoples' Rights (ACHPR) on its fact-finding mission to Zimbabwe in 2002 notes that "There is no institution in Zimbabwe, except the Office of the Attorney General, [itself under political leadership] entrusted with the responsibility of oversight over unlawful actions of the police or to receive complaints against the police".[143]

3.2.3 Judiciary

It is not clear that the judiciary belongs in a chapter about state forces. Hunt suggests that the law is "closely tied to the processes of securing an equilibrium between 'state' and 'civil society'".[144] At the start of the period under study, the Zimbabwean judiciary retained a strong, independent culture. Verheul points out that "law need

[141] Human Rights Watch, Our Hands are Tied: Erosion of the Rule of Law in Zimbabwe, 08/11/08
[142] Chitiyo, The Case for Security Sector Reform, p14
[143] African Commission on Human and Peoples' Rights, Zimbabwe: Report of the Fact-Finding Mission, June 2002, pp29/30, http://www.achpr.org/files/sessions/34th/missionreports/zimbabwe/achpr34_misrep_zimbabwe_2002_eng.pdf
[144] Hunt, A. (1990) Rights and Social Movements: Counter-Hegemonic Strategies, Journal of Law and Society, 1990, p316

not be solely a tool of state power" – it may be used to enable both state repression and popular resistance – a duality that was apparent during the period under study.[145] While the police were not seen as offering any protection against political violence, opposition and civil society groups continued to seek the protection of the courts, albeit with varying degrees of success. Nonetheless, from 2000 to 2008, the Zimbabwean judiciary was subject to the same forces of patronage, punishment and ideology as state security institutions, and its independence and impact as a source of restraint were progressively eroded.

Verheul, in her study of civil servants in the Attorney General's office, identifies two competing registers: one of professionalism and 'justice' and one of politicisation and corruption.[146] At the start of the period under study the judiciary was a voice of restraint, challenging state violence. In 2000, the courts ordered a halt to farm invasions and found the policy unconstitutional.[147] Supreme Court Chief Justice Anthony Gubbay stated that "Wicked things have been done, and continue to be done. They must be stopped".[148] Also in 2000, the MDC challenged parliamentary election results in 39 constituencies on grounds including violence and intimidation: of the 16 cases heard by the High Court, 7 were found in favour of the MDC.[149]

[145] Verheul, 'Rebels' and 'Good Boys', p765
[146] ibid, p765
[147] ICG, Blood and Soil, p89
[148] Supreme Court Chief Justice Anthony Gubbay ruling in the case of Commercial Farmers Union v. Minister of Lands 2000, quoted in report by Solidarity Peace Trust (2005), Subverting Justice: The Role of the Judiciary in Denying the Will of the Zimbabwean Electorate Since 2000, p2, http://archive.kubatana.net/docs/legal/spt_subv_justice_0503.pdf
[149] Solidarity Peace Trust (2005), Subverting Justice: The Role of the Judiciary in Denying the Will of the Zimbabwean Electorate Since 2000, p7

However, this had little if any direct impact in restraining state violence. The police ignored court orders to evict land occupiers and 300 'war veterans' invaded the Supreme Court, threatening judges.[150] The GoZ rejected critical verdicts and deployed national liberationist narratives to undermine the legitimacy of the courts and individual judges: "They are not courts for our people and we shall not even be defending ourselves in these courts".[151] Independent minded judges on the Supreme Court were forced out and replaced with ZANU-PF loyalists, legislation was passed retroactively legalising farm invasions and asserting the rights of land occupiers and a blanket amnesty was issued for acts of political violence.[152] The new Supreme Court endorsed the GoZ land policy. None of the MDC's electoral challenges was ever seen to completion, reinforcing the sense of impunity for ZANU-PF violence.[153] On this basis, "voters go the polls believing that the Courts will not offer them any right of redress if they are victimized in the context of a campaign".[154]

Interviewee B commented "it was like the judiciary was whirring away in a vacuum. People were being seized and detained and tortured and released – and that was going on and the courts were watching it - sometimes they would criticise it, sometimes they would allow it. They would give all kinds of rulings, some of which had some professionalism to them, but they didn't affect the real world".[155] Nonetheless, opposition and civil society groups continued to use the courts to

[150] ICG, 13/07/01, Zimbabwe in Crisis: Finding a Way Forward, p7
[151] President Robert Mugabe speaking to the ZANU-PF Party Congress, 14/12/00, quoted in Gubbay, The Progressive Erosion of the Rule of Law, p18
[152] See, eg Booysen, The Dualities of Contemporary Zimbabwean Politics
[153] Solidarity Peace Trust, Subverting Justice
[154] ibid, p9
[155] Interview B, Western diplomat

challenge state violence. In some cases, the courts found in their favour. The courts also dismissed some political prosecutions by the state, for example the treason charges against opposition leader Morgan Tsvanigirai.

Verheul raises the question "Why did a regime that continually amended the constitution to undermine court decisions, and that condoned the blatant intimidation of the Chief Justice, nonetheless continue to engage with, and rely on, its judicial institutions in order to rule?".[156] She suggests that "ZANU(PF) relied on judicial institutions to construct and defend its authority".[157] That is, ZANU-PF needed the law to sustain its narrative of legitimacy. At the same time, the grounding of the judiciary in the rule of law, and the residual professionalism of some judicial personnel, meant that the courts also offered a forum to challenge state abuses and put them on public record. For example, the findings of the High Court of Zimbabwe that ZANU-PF agents murdered, abducted and tortured, brutally assaulted, threatened to kill and burned down the homes of MDC officials and party supporters during the 2000 elections is a matter of record – and of embarrassment to the GoZ.[158]

The GoZ ignored or subverted court challenges, but the public airing of grievances served to raise public awareness of rights and abuses, challenge the legitimacy of the GoZ and state security institutions, and stimulate criticism (and higher court challenges) in the region and beyond, as I set out in subsequent chapters.

[156] Verheul, S.(2013) 'Rebels' and 'Good Boys', p770
[157] ibid, pp781/2
[158] Solidarity Peace Trust (2005), Subverting Justice: The Role of the Judiciary in Denying the Will of the Zimbabwean Electorate Since 2000, p36

3.3 Conclusion

During the period under study, state violence was deployed both to suppress the opposition and to mobilise support by reviving narratives of national liberation. The ruling ZANU-PF was concerned to retain legitimacy as well as power. This conflicted dynamic provided the basis for both the targeted use of violence and a degree of restraint. Most of the violence was non-lethal and was deployed alongside legal and quasi-legal forms of coercion and persuasion. The use of violence reflected ZANU-PF insecurity: the level of state violence and restraint varied with the level of perceived threat from the opposition MDC.

State institutions of law and order had little direct impact in restraining violence, though the courts offered a public forum to challenge state actions. At the same time, doubts about the willingness of the ZDF to engage in wholesale violence against civilians may have been a restraining factor.

4 NON-STATE FORCES

I address the political opposition, civil society and the independent media under the broad heading of 'non-state forces'. Ncube rightly points out that civil society also encompassed pro-ZANU-PF 'hegemonic' groups.[159] My focus is on those who were challengers to ZANU-PF hegemony.

4.1 Movement for Democratic Change

The opposition MDC was both a major focus of and challenger against state violence. The MDC was formed in 1999 from the broad coalition of trade union and civil society groups that opposed ZANU-PF's proposals for constitutional change in the referendum of 2000.[160] As an opposition party, its core purpose was to challenge ZANU-PF hegemony and to establish the rule of law and respect for democratic rights as the basis for state legitimacy: in essence, to restrain state power.

At a practical level, I found no evidence that the MDC was able effectively to restrain state violence. Despite having significant parliamentary representation after 2000, it did not have the necessary majority to block or modify laws to restrict freedom of assembly, association and expression which were passed in 2002. The Public Order

[159] Ncube, C (2010) Contesting Hegemony : Civil Society and the Struggle for Social Change in Zimbabwe , 2000 – 2008, PhD Thesis, pp2-5

[160] For an account of the MDC's origins in the trade union and constitutional reform movements, see Compagnon, A Predictable Tragedy, pp97-100

and Security Act then provided the legal cover for increased state harassment of opposition groups, including the MDC. The MDC repeatedly sought to contest GoZ abuses through the courts, as noted in Chapter 3. However, such challenges absorbed MDC energies, while the GoZ response was to strengthen its control of the judiciary.[161] It could be argued that MDC leader Morgan Tsvangirai's eventual defeat of treason charges against him constituted a measure of restraint, but the case had already served its purpose "stoking negative publicity and organizational tensions within the MDC".[162] Moreover, as interviewee F pointed out, "the court's verdict didn't change the fact that he was being detained, beaten, harassed".[163]

MDC attempts to achieve change through negotiations with ZANU-PF, mediated by the churches in 2003 and by the Southern African Development Community (SADC) in 2007, likewise failed to expand the democratic space or rein in state violence. In the 2007 negotiations, the MDC specifically sought the repeal of the Public Order Security Act and other repressive legislation, but achieved only minor amendments.[164]

The MDC and its supporters were consistently targeted for state violence, both within and outside the law, and denied protection by state institutions. During the 2000 election campaign, Tsvangirai sought to deter ZANU-PF from using violence against the MDC, claiming that the MDC had the support of the police and the army - "The army and the police belong to us.".[165] However, as noted in Chapter 3, despite reports of MDC sympathisers in the lower ranks, ZANU-PF retained effective control

[161] ICG, Zimbabwe in Crisis: Finding a Way Forward, 13/07/2001, p12
[162] Dorman, Understanding Zimbabwe, p157
[163] Interview F, UK official
[164] ICG, 20/03/08, Zimbabwe: Prospects from a Flawed Election, p3
[165] Morgan Tsvangirai quoted by News 24 (SA), 'War threat if election rigged', 05/06/00

over the security sector. In practice, the data indicate that state violence rose and fell with the perceived popularity of the MDC, for example showing a dip in 2004/05 when the MDC was wrought by internal splits and presented less of a threat to ZANU-PF.[166]

While the MDC did not have the means to hold the government to account and restrain violence directly, it did manage to draw public attention to state violence and to enlist support for its rights-based agenda. Following the MDC's success in the 2000 elections, the International Crisis Group (ICG) noted "Parliament is no longer a one note cheering section for ZANU/PF".[167] Public rallies, protests and strikes, likewise, challenged ZANU-PF legitimacy at home and drew attention abroad.

The extent to which such attention acted as a brake on state violence is unclear. Cheeseman and Tendi suggest that "The willingness of the MDC to speak out against perpetrators of violence has bred fear among the ZANU-PF elite". However, rather than encouraging restraint, they suggest that this led to further hardening of divisions.[168] Similarly, Dorman suggests that the MDC presence in parliament after 2000 led to a closing down of criticism of the government by ZANU-PF members of parliament.[169]

[166] See eg, ACLED; and Africa Confidential, 'Mistake in the Movement', Vol 45, No18, 10/09/04
[167] ICG, Zimbabwe: Three Months after the Elections, 26/9/00, p3
[168] Cheeseman and Tendi, Power-sharing in comparative perspective, p216
[169] Dorman, Understanding Zimbabwe, p167

At the same time, ZANU-PF used its narrative of legitimacy, based on its liberation war credentials, to label the MDC as a Western creation.[170] The high profile role of whites within the MDC leadership, the party's reliance on Western support, and its support for Western sanctions or even intervention allowed them to be labelled "sell-outs".[171] Interviewee C noted that, by using the land reform issue, ZANU-PF was effectively asking people to choose – economic rights or civil and political.[172] This deliberate dichotomy also set up a split between regional and Western attitudes to the MDC, as I shall set out, further limiting the MDC's ability to exert effective pressure to restrain state violence.

The MDC itself largely refrained from violence. While there were divisions within the party over the scope to achieve change through elections, military insurgency was not a realistic option: the MDC had no access to arms and would have been "crushed by the regime's security apparatus".[173] Interviewee F likewise noted that the MDC's only option to access arms would have been via the region, which would never have countenanced military rebellion.[174]

4.2 Civil Society

Civil society emerged increasingly as challengers to the state in the face of economic collapse and GoZ failure to engage in good faith with the constitutional debate of the

[170] Raftopoulos, B. (2013) The 2013 Elections in Zimbabwe: The End of an Era*, Journal of Southern African Studies, 2013 Vol. 39, No. 4, p973
[171] Interview F, UK official
[172] Interview C, Zimbabwean academic
[173] Compagnon, A Predictable Tragedy, p112
[174] Interview F, UK official

late 90s. As Bauer and Taylor suggest, "Civil society's awakening, therefore, was both cause and consequence of ZANU-PF's declining hegemony."[175]

Civil society groups sought to restrain state violence in various ways. GoZ use of the law to justify state repression provided a basis for organisations such as the Zimbabwe Lawyers for Human Rights (ZLHR) to challenge state violence through the courts, making the most of remaining pockets of integrity in the judiciary and the publicity afforded by the judicial process. ZLHR were unable to prevent state brutality, even against their own lawyers, but were remarkably persistent and often successful in securing the release of political detainees and publicising abuse.

Various groups sought to use peaceful protest to disarm state violence, eg the Women of Zimbabwe Arise (WOZA) with their slogan of 'love and bread'. However, SCAD data show that demonstrations over economic grievances such as low pay and high prices were subject to (non-lethal) state violence in much the same way as MDC gatherings. As interviewee F remarked, "anyone who holds the government to account, will end up looking like opposition".[176]

The established churches potentially offered an alternative ethical basis to challenge violence, but their ambivalent relationship to the state undermined their unity and effectiveness as a voice of restraint.[177] The Zimbabwe Council of Churches played a

[175] Bauer and Taylor, p192
[176] Interview F, UK official
[177] Dorman, Understanding Zimbabwe; and Report by Christian Aid, 'Churches in Zimbabwe to take a lead role in reconstruction of the country', 06/11/08, https://reliefweb.int/report/zimbabwe/churches-zimbabwe-take-lead-role-reconstruction-country

strong role in the constitutional debate and was directly critical of the GoZ, but was subsequently weakened by state pressure and co-option.[178] Critical voices such as Roman Catholic Bishop Ncube of Bulawayo were marginalised.[179] Mainstream church voices were largely blunted, issuing generalised pleas for peace and unity, or side-lined into futile efforts to mediate between ZANU-PF and the MDC.[180] At grassroots level, some local churches played a role in monitoring violence and supporting victims, but were essentially defensive – in 'survival mode'.[181]

A key characteristic of civil society in post-2000 Zimbabwe was "a mushrooming of coalitions and networks", which served to strengthen awareness of both human rights and state abuses.[182] But this solidarity also increased the GoZ sense of threat, in line with LeBas' judgement that "Polarization does not occur in the absence of both solidarity and threat".[183] The 2002 report of the ACHPR fact-finding mission to Zimbabwe notes that "Government [of Zimbabwe] believes that the human rights civil society has effectively undermined its own integrity and independence by being part of the opposition and will therefore be treated as the political opposition in the cut and thrust of politics".[184]

[178] Dorman, Understanding Zimbabwe, p178
[179] ibid, p176
[180] see, eg 'The Zimbabwe we Want' and Zimbabwe Catholic Bishops' Conference Pastoral Letter on Elections 2008, published by The Zimbabwean, 18/12/07, http://www.thezimbabwean.co/2007/12/zimbabwe-catholic-bishops-conference/
[181] Kaulemu, D. (2010) Church Responses to the Crisis in Zimbabwe, The Review of Faith and International Affairs, 8:1, p49
[182]Ncube, Contesting Hegemony, p182
[183] LeBas, Polarization as Craft, p436
[184] African Commission on Human and Peoples' Rights, Zimbabwe: Report, p27

Links between Zimbabwean civil society and regional and international groups, likewise, were a double-edged sword. On the one hand, they too heightened GoZ sense of threat and fed its narrative of hostile alien forces. However, they also provided moral and practical support to Zimbabwean civil society, raised public awareness and increased GoZ exposure to international criticism.

Zimbabwean civil society groups also used transnational networks to spur regional and international players into action, for example providing data for use in Amnesty International campaigns and to the ACHPR.[185] In one concrete example, links between Zimbabwean and regional trade unions and wider civil society were pivotal in blocking the delivery of a Chinese weapons shipment to Zimbabwe in 2008. This mobilisation of civil society across the region was an embarrassment to regional governments and challenged them to take a more proactive role to restrain GoZ violence.[186]

4.3 Independent Media

Throughout the period under study the independent media too were both a target of and challengers against state violence. They offered a platform for opposition and

[185] See eg Feltoe and Sithole, Review of Rights Discourses, pp33/34
[186] SALC in the News: How civil society blocked an arms shipment for Zimbabwe, Southern Africa Litigation Centre, 01/07/09, http://www.southernafricalitigationcentre.org/2009/07/01/salc-in-the-news-how-civil-society-blocked-an-arms-shipment-for-zimbabwe/

civil society voices, but this allowed them to be labelled by the state as in league with the opposition, unpatriotic and a threat to public security.[187]

I found no evidence that the independent media were able to exert direct restraint on state violence. Rather, the GoZ response to criticism from the media was to shout them down and squeeze them out, using violence, intimidation, restrictive laws and propaganda. Perhaps most significantly, the GoZ blocked independent media access to rural areas – ZANU-PF's traditional support base – by refusing broadcast licences, while economic and distribution constraints largely limited the print media to the urban middle classes – already lost to ZANU-PF. [188]

The independent media did play a role in energising regional and international opinion and challenging GoZ narratives abroad. Independent media within the country and in exile worked with civil society to place news about Zimbabwe in the international media.[189] In March 2007, graphic images of state violence against opposition demonstrators, including Morgan Tsvangirai, prompted international condemnation, and spurred SADC to step up pressure on the GoZ to enter dialogue with the MDC.[190] However, the data show no consequent decline in state violence against opponents. While state violence against the media was generally non-lethal,

[187] See, eg, Article 19/MISA-Zimbabwe, The Access to Information and Protection of Privacy Act: Two Years On, p15, https://www.article19.org/data/files/pdfs/publications/zimbabwe-aippa-report.pdf
[188] see Freedom House, Freedom of the Press report, Zimbabwe 2008, https://freedomhouse.org/report/freedom-press/2008/zimbabwe?page=251&year=2008&country=7523
[189] Eg, ZimOnline, which operated from South Africa, www.zimonlinenews.com and The Zimbabwean, operating from the UK, www.thezimbabwean.co
[190] Zimbabwe Institute, The State Of Civics In Zimbabwe, p16

the one recorded killing of a member of the independent media was of the cameraman who filmed the police assault on Morgan Tsvangirai.[191]

4.4 Conclusion

The powerful light shone on state violence by non-state actors during the period under study did not prevent GoZ use of violence and intimidation, but it did represent a challenge to the GoZ narrative of legitimacy and may have been a factor in restraining the mass use of lethal violence. It also played a major part in stimulating external sources of restraint, as I address in the following chapter.

[191] BBC, 05/04/07, 'Harare cameraman's body dumped', http://news.bbc.co.uk/1/hi/world/africa/6529887.stm

5 EXTERNAL FORCES

Various outside forces sought to restrain state violence in Zimbabwe during the period under study. There was a high level of agreement that political violence in Zimbabwe was damaging for the country and the region and a violation of human rights and democratic freedoms. However, differing perspectives on the colonial legacy and issues of national sovereignty resulted in radically different approaches from the region and from Western powers. In addition, while neighbouring states had potentially the greatest influence, they were also most vulnerable to instability within Zimbabwe.

There were numerous attempts to coordinate an international response across this divide.[192] There were also differences of view within each side. However, the character of external interventions – and the GoZ reaction – was, to a great extent, shaped by this dichotomy. I therefore address the regional and wider international forces in turn, then consider the role of international organisations such as the Commonwealth and the United Nations, while acknowledging their dynamic interaction.

[192] The succession of reports on Zimbabwe by the ICG illustrate the difficulties www.icg.org

5.1 African/Regional Forces

State violence in Zimbabwe was in clear contravention of SADC and African Union (AU) principles; it was also damaging to the economy, stability and reputation of the region.[193] During the period under study, regional forces deployed various levers to try to restrain GoZ violence, including: collective and bilateral diplomacy; application of human rights standards; economic incentives; and election monitoring. Nonetheless, the prevailing verdict is that regional efforts to rein in state violence in Zimbabwe were weak and ineffective.[194]

The lead role in addressing the crisis in Zimbabwe was taken by SADC (after Commonwealth efforts failed), but was constrained by the historical legacy and contemporary political rivalries of the region. As Interviewee B noted, "the self-identification in SADC remains completely anti-colonial and with Mugabe being an anti-colonial hero, it was always very difficult for SADC people to criticise him".[195] Also, Mugabe's framing of the issue in terms of land and race had considerable resonance in the region. Interviewee C suggested that this "became a great cover for a long time, in the same way that having apartheid South Africa next door…. was also a cover [for violence] in the 80s".[196]

[193] See in particular Articles 4 and 5 of the SADC Treaty, https://www.sadc.int/files/5314/4559/5701/Consolidated_Text_of_the_SADC_Treaty_-_scanned_21_October_2015.pdf

[194] See eg, Compagnon, A Predictable Tragedy; the Economist, 'A test case for Africa', 29/03/07; ICG, Zimbabwe: In Search of a New Strategy, 19/04/04

[195] Interview B, Western diplomat

[196] Interview C, Zimbabwean academic

Leadership on the issue was largely delegated to South African President Thabo Mbeki, who pursued a 'quiet diplomacy' approach. Compagnon suggests "His [Mbeki's] purpose was not to solve the crisis but to defuse it".[197] Interviewee C noted that Mbeki sought to ease violence by encouraging United Nations Development Programme (UNDP) funding "to enable the Zimbabwe government to buy the land, so the violence could stop".[198] Economic incentives likewise underpinned South African efforts to engage GoZ in dialogue with the MDC and civil society groups in 2003 – rapprochement with the opposition was offered as a way to win back IMF support.[199] In 2006 South Africa offered credit to GoZ to help meet their debts to the IMF as a way to encourage them to engage in renewed dialogue with the MDC and pursue legal and constitutional reform. GoZ chose to print currency instead.[200] None of these economic incentives had any measurable impact in restraining violence.

Renewed SADC mediation in response to rising violence in 2007 produced GoZ agreement to some easing of security and media laws, but Mugabe then called elections before a new constitutional agreement could be implemented.[201] Nonetheless, the high level of outside attention did appear to produce relative calm around the March 2008 elections, and even a slightly greater degree of political space for the MDC.[202]

[197] Compagnon, A Predictable Tragedy, p238
[198] Interview C, Zimbabwean academic
[199] Africa Confidential, 'Who's next?', 44:10, 16/05/03
[200] ICG, Zimbabwe's Continuing Self-Destruction, 06/06/06
[201] See Human Rights Watch, Bashing Dissent; and ICG, Zimbabwe: Prospects from a Flawed Election, 20/03/08
[202] Barclay, P. (2010) Zimbabwe: Years of Hope and Despair, Bloomsbury, p62

After 2002, the GoZ allowed external election observers only from SADC and the AU. They could generally be counted on to give positive reports so long as the GoZ reined in violence during the polling period.[203] Electoral legislation introduced by the GoZ in 2005 was intended to satisfy the requirements of the SADC Principles and Guidelines Governing Democratic Elections, but did not address the causes of election violence or challenge impunity.[204] Even SADC and AU election observers had their limits – both issued critical reports after the June 2008 run-off Presidential elections.

More generally, the GoZ engaged selectively with regional governance mechanisms and rejected criticism. In 2007 and 2008, the SADC Tribunal (set up in 2005 to ensure adherence to the SADC Treaty) ruled against the GoZ land seizure policy. This failed to restrain the GoZ, who instead pulled out of the Tribunal. The 2002 ACHPR Mission to Zimbabwe was received by President Mugabe and by ministers and senior officials, but the GoZ sought to suppress its highly critical report.[205] The GoZ followed up in 2006 by submitting a defensive report to the ACHPR covering several years of overdue reporting obligations.[206] The ACHPR also passed critical resolutions on the situation in Zimbabwe in 2005, 2007 and 2008. It is hard to determine what impact such criticism may have had on GoZ behaviour, but ACHPR scrutiny of the situation in Zimbabwe did provide a forum for Zimbabwean civil society organisations (several of

[203] See, eg Dorman, Understanding Zimbabwe, p158; and Barclay, Zimbabwe, pXX
[204] SADC Principles and Guidelines Governing Democratic Elections, adopted by the SADC Summit, Mauritius, August 2004, http://www.sadc.int/english/documents/political_affairs/index.php
[205] Zimbabwe Human Rights Forum, Press Release 30/07/04, http://www.hrforumzim.org/press-releases/statement-by-the-zimbabwe-human-rights-ngo-forum-on-the-reaction-by-the-government-of-zimbabwe-to-the-report-of-the-fact-finding-mission-to-zimbabwe-by-the-african-commission-on-human-and-peoples-ri/ and Compagnon, A Predictable Tragedy, p246
[206] The Republic of Zimbabwe 7th, 8th, 9th and 10th Combined Report under the African Charter On Human And Peoples' Rights, 20/10/06, www.achpr.org/files/sessions/41st/state-reports/7th-10th-1996-2006/staterep7to10_2006_zimbabwe_eng.pdf

which had observer status at the Commission), to challenge the GoZ narrative of human rights as an instrument of neo-colonialism, and an unwelcome spotlight.

Overall, regional diplomacy did nothing to change ZANU-PF's determination to cling to power or willingness to use violence to do so. It is much harder to determine whether SADC and AU actions had any impact in restraining the severity of state violence or preventing escalation. But it seems likely that SADC opinion was one of the factors that GoZ took into account in calibrating its use of violence. SADC opinion was not monolithic. Mugabe and ZANU-PF had an inner circle of support, in particular from Presidents Nujoma of Namibia and Mbeki in South Africa. But the leaders of Botswana, Zambia and Malawi were more critical, as was civil society in various SADC countries, including South Africa.[207] As the SADC response to the violence of 2008 finally showed, there was a limit to what SADC leaders would tolerate. Moreover, GoZ needed the buffer that SADC provided to guard against western intervention, as I set out later in this chapter.

5.2 Western Forces

Western states' efforts to address violence in Zimbabwe took a very different form and tone, encompassing variously: critical rhetoric, attempts at engagement, punitive measures, and support for opposition forces and civil society.[208] The strategy was based on the promotion of universal rights and the assumption that Mugabe could be

[207] Africa Confidential, 'The sick man of the south', 49:7, 28/03/08
[208] See, eg, Compagnon, A Predictable Tragedy, pp221-253 and ICG, Zimbabwe: In Search of a New Strategy, 19/04/04

pressured out of office. In both respects, it underestimated the continuing significance of the colonial legacy in Zimbabwe and the region.

The UK was to the fore in challenging farm invasions, both criticising the violence and offering to fund peaceful land reform. Neither approach worked. Moreover, the fact that the victims were white revived perceptions that the UK's first concern was for its 'kith and kin' and fed the GoZ narrative of a struggle between national liberation and neo-colonialist forces.[209] Tendi also sets out how the battle of words between the UK government and GoZ promoted non-engagement, constrained UK policy options, and "affected the third-party mediation efforts of South African President Thabo Mbeki".[210]

A further strand to Western policy on Zimbabwe was the imposition of punitive measures of various forms. The European Union (EU), Australia, US, Canada and New Zealand brought in targeted measures, including travel bans and asset freezes on senior Zimbabwean figures, as well as arms embargoes and the withdrawal of non-emergency aid.[211] The ICG suggest that "the sanctions have proven to be little more than symbolic measures".[212] Indeed, they were a symbol that the GoZ was able to use, allowing it to present itself as "sinned against" and to blame the economic crisis

[209] Harold Wilson in 1966 rejected military action against the UK's 'kith and kin' in Rhodesia. South African President Mbeki claimed in an interview on South African radio in 2017 that UK policy during the Zimbabwe crisis of the 2000s had been driven by 'interest in the welfare of their kith and kin', The Herald, 15/07/2017

[210] Tendi, The Origins and Functions of Demonisation Discourses, p1251

[211] Dorman, Understanding Zimbabwe, pp171/2

[212] ICG, 'Zimbabwe: A Regional Solution?', 18/09/07, p19

on Western sanctions.[213] To the extent that sanctions did affect the economy, they arguably increased GoZ dependence on violence as a lever of power.

The corollary to sanctions on the GoZ was Western support for opposition forces. There is conflicting evidence on the overall impact of Western support for Zimbabwean civil society organisations and the MDC. On the one hand, as noted in Chapter 3, it allowed them to be labelled as traitors by the GoZ and was used to justify violent repression. But it also broke their isolation, raised their profile and strengthened their operational capacity – "visibility was useful to them".[214] As noted in Chapter 3, the prospect that rapprochement with the MDC would lead to normalisation of relations with the West and the restoration of aid flows was also used to coax the GoZ into dialogue, though it did not stop state use of violence.

One Western policy option that was never deployed, or even overtly threatened, may nonetheless have had some impact in restraining GoZ violence – that is, military intervention. Various reports suggest that UK Prime Minister Tony Blair may have contemplated military intervention in Zimbabwe.[215] Whatever the reality, interviewees C and F all confirmed that a UK invasion was perceived as a threat by the GoZ, as was the possibility that one of their neighbours could participate in such an operation.[216] Interviewee C suggested that this fear may have been a factor in

[213] Interview A, Western academic
[214] Interview B with Western diplomat
[215] Kampfner, J. (2003) Blair's Wars, Free Press p76; Tendi, B-M. (2013) Ideology, Civilian Authority and the Zimbabwean Military, Journal of Southern African Studies, 39:4, p833
[216] Interview C, Zimbabwean academic; Interview F, UK official

"keeping that [violence] below a threshold".[217] On the other hand, the fact that the opposition MDC was supported by the same UK government that might lead or inspire an invasion was used by the GoZ to reinforce the narrative of the MDC as traitor.[218]

Overall, Western efforts to address the violence in Zimbabwe failed to recognise the power of ZANU-PF's narratives around colonialism and race. They combined "too much bark and too little bite" – alienating regional support, but unable to succeed without it.[219]

5.3 Multilateral Forces

5.3.1 The Commonwealth

The Commonwealth has the benefit of spanning Western and African countries, the UK and its former colonies. The Commonwealth Harare Declaration, which re-affirms the commitment of member states to human rights, democracy and the rule of law, was signed in Harare in 1991. Yet Commonwealth efforts to address the crisis in Zimbabwe moved from unsuccessful engagement to ill-tempered disengagement, polarising the organisation and failing to restrain violence.

[217] Interview C, Zimbabwean academic
[218] Interview F, UK official
[219] ICG, Zimbabwe: The Politics of National Liberation and International Division, 17/10/02

The Abuja Agreement reached by Commonwealth Ministers and the GoZ in September 2001 required GoZ to "restore the rule of law to the process of land reform" and "take firm action against violence and intimidation" in return for financial support from the UK.[220] A month later, the Zimbabwean Supreme Court, newly packed with ZANU-PF loyalists, stated that land reform was proceeding according to the law.[221] However, violence continued unabated, undermining the Agreement.[222]

Engagement also took the form of election monitoring. But the highly critical report issued by the Commonwealth Observer Group in 2002 marked a turning point in relations and divided Commonwealth leaders.[223] Zimbabwe's one year suspension from the Commonwealth failed to produce a change of behaviour.[224] When the suspension was extended in 2003, against the wishes of regional states including South Africa, Mugabe pulled Zimbabwe out of the organisation altogether.

The split between the 'old' (white) Commonwealth and African members undermined the moral force of its interventions and fed the GoZ narrative of neo-colonialism and victimisation. At the same time, the scope for engagement was closed off by the GoZ's acrimonious departure from the organisation.

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[220] Abuja Agreement accessed online at http://news.bbc.co.uk/1/hi/world/africa/1530132.stm
[221] Booysen, The Dualities of Contemporary Zimbabwean Politics, p18
[222] See Zimbabwe Human Rights NGO Forum 'Complying with the Abuja Agreement: Two Months Report', 14/12/01, http://www.hrforumzim.org/publications/reports-on-political-violence/complying-with-abuja/
[223] Commonwealth Observer Group (2002), Zimbabwe Presidential Election, 9-11 March 2002, Commonwealth Secretariat, https://www.thecommonwealth-ilibrary.org/commonwealth/governance/zimbabwe-presidential-election-9-11-march-2002_9781848597822-en
[224] Compagnon, A Predictable Tragedy, p226

5.3.2 The United Nations

The UN tried several approaches to restrain state violence in Zimbabwe. The UNDP sought to engage the GoZ on a programme of peaceful land reform which donors could support. Negotiations trickled on for several years, but had no clear impact on GoZ policy or use of violence. Relations took a more confrontational turn in 2005 when the UN Special Envoy on Human Settlements Issues in Zimbabwe issued a critical report on the GoZ urban clearance 'Operation Murambatsvina'.[225] What is striking, as with the ACHPR visit and report of 2002, is that the GoZ engaged fully with the UN Mission - apparently caring about outside opinion. But when that opinion was critical, they issued a hostile response and sought to suppress discussion of the report at the UN. Interviewee B noted "it was interesting that it really did sting...They could have just ignored it, but they didn't."

The GoZ may have feared Security Council authorisation of military intervention. In practice, when the US and UK sought to introduce a Security Council resolution identifying the situation in Zimbabwe as a 'threat to international peace and security' and imposing sanctions, it was vetoed by Russia and China (and opposed by South Africa).[226] Nonetheless, the GoZ choice to limit the use of military force, to use beatings rather than guns, may have reflected an effort to stay below the threshold for a Security Council resolution.

[225] Tibaijuka, Report of the Fact-Finding Mission to Zimbabwe, www.un.org
[226] UN Security Council Press Release, 11/07/08 https://www.un.org/press/en/2008/sc9396.doc.htm

5.4 Conclusion

Regional and Western forces took very different approaches to the issue of state violence in Zimbabwe, reflecting their different perspectives on issues around human rights and sovereignty, and the narrative of national liberation deployed by the GoZ. Human Rights Watch criticises both "the 'megaphone' diplomacy of Western governments" and "the 'quiet' diplomacy of African countries" as ineffective.[227]

Certainly, there is no evidence that any specific measure – whether engagement or disengagement, economic incentive or sanction – had any impact in restraining GoZ use of violence. At the same time, Western support for opposition forces within Zimbabwe was at best a double-edged sword.

Nonetheless, the GoZ was not oblivious to international attention. They were dismissive of criticism, especially from the West, but concerned to avoid united international condemnation and the risk of military intervention. This may have been a factor in restraining the severity of state violence, limiting the direct involvement of the armed forces and keep election polling periods relatively peaceful.

[227] Human Rights Watch, Bashing Dissent, p34

6 CONCLUSION

The aim of this paper has been to explore the sources of restraint on state violence in a particular case over a specific period of time. The findings of this study, and the questions raised, suggest areas for further exploration.

6.1 Main Findings

During the period under study, the GoZ chose not only to deploy violence, but to do so in a limited, targeted way. That is, it chose both violence and restraint. This paper found that decisions made by the GoZ regarding the deployment of and restraint from violence reflected a range of inter-related factors, internal and external to the regime.

The GoZ was concerned to retain legitimacy as well as power and used violence both to suppress opposition and to mobilise support. This called for a calibrated use of violence alongside other forms of persuasion and coercion. The level of state violence and restraint also varied with the level of perceived threat from the opposition MDC.

This paper found that state institutions of law and order had little impact in restraining violence, despite remaining pockets of professionalism and independence, especially in the judiciary. However, GoZ attachment to the forms of legality gave an

opening for voices of dissent publicly to challenge state violence. While the security forces were closely linked to the regime, doubts about the willingness of the armed forces to engage in wholesale violence against civilians may also have been factor in restraining violence.

Non-state forces were not able directly to restrain state violence. Indeed, the challenge presented by the opposition increased the ruling party's sense of insecurity and recourse to violence. However, non-state forces were able publicly to challenge the GoZ narrative of legitimacy and to draw domestic and international attention to state violence.

International efforts to restrain violence in Zimbabwe were characterised by a split between regional and Western forces. This reflected differing perspectives on issues of human rights and sovereignty and the colonial legacy, as well as the power of the ruling party's narrative of national liberation. This paper found no evidence that either positive engagement or condemnation and sanctions had any direct impact in restraining GoZ use of violence. Nonetheless, the GoZ was concerned to avoid united international condemnation and the risk of military intervention. This may have been a factor in keeping violence below a certain threshold.

The impact of different forces in restraining violence is hard to evaluate. Where restraint was exercised, it is difficult to determine to what extent this reflected state policy, opposition or civil society pressure, or external scrutiny. However, the findings of this paper suggest that different sources of restraint worked in

combination. Domestic challengers both stimulated and were supported by external pressure on the regime, which in turn calibrated its use of violence in an effort to sustain domestic and international legitimacy.

6.2 Scope for Further Research

This paper has taken a single case study approach to explore the issue of restraint on state violence. A broader approach could usefully build on the findings in a number of areas.

This paper has suggested that the use of violence by the Zimbabwean state reflected the history, ideology and politicised narrative of the liberation war. In the light of the ousting of liberation leader Robert Mugabe, as well as wider generational change, it would be interesting to explore to what extent such narratives still have political and popular resonance. The evolution of 'liberation' politics could usefully be set in a regional context, building on studies such as those presented by Melber.[228]

This case study has focused on violence and restraint at the national level. A further study could usefully explore the dynamics of decision making around violence and restraint at the local level. Particular areas of interest would be the influence of local institutions and figures of authority, as well as local variations in the role of the non-state actors who carried out much of the violence in the case under study. This is a

[228] Melber, (ed) Limits to liberation

field of research that would have relevance to other contemporary cases of state violence with both national and local dimensions.

There is a wide repertoire of international efforts to restrain state violence and human rights abuse, but relatively little research into the impact of particular approaches. Further, comparative study of the impact of specific measures across a range of cases would be merited, as would more detailed study of the costs and benefits of external support for domestic voices of dissent.

As noted in Chapter 5, differences of approach between the region and Western states were widely blamed for the failure of international pressure to rein in violence by the Zimbabwean state during the period under study. However, it is far from clear that a more unified or better coordinated approach would have been more effective. A wider exploration of how regional and international mechanisms interact with each other and impact upon 'pariah' states' behaviour could offer useful insights into this complex dynamic.

Ethical Approval Letter

03 May 2018

Dear Cathering Mackenzie,

Thank you for submitting your ethical application which was considered at the IR School of International Relations Ethics Committee meeting on 11th April 2018 when the following documents were reviewed:

1. Ethical Application Form
2. Participant Information Sheet
3. Consent Form
4. Debriefing Form

The School of International Relations Ethics Committee has been delegated to act on behalf of the University Teaching and Research Ethics Committee (UTREC) and has granted this application ethical approval. The particulars relating to the approved project are as follows –

Approval Code:	IR13489	**Approved on:**	03.05.18	**Approval Expiry:**	03.05.23
Project Title:	Sources of restraint on state use of political violence: a case study, Zimbabwe 2000-2008				
Researcher(s):	Catherine Mackenzie				
Supervisor(s):	Nick Brooke				

Approval is awarded for five years. Projects which have not commenced within two years of approval must be re-submitted for review by your School Ethics Committee. If you are unable to complete your research within the five year approval period, you are required to write to your School Ethics Committee Convener to request a discretionary extension of no greater than 6 months or to re-apply if directed to do so, and you should inform your School Ethics Committee when your project reaches completion.

If you make any changes to the project outlined in your approved ethical application form, you should inform your supervisor and seek advice on the ethical implications of those changes from the School Ethics Convener who may advise you to complete and submit an ethical amendment form for review.

Any adverse incident which occurs during the course of conducting your research must be reported immediately to the School Ethics Committee who will advise you on the appropriate action to be taken.

Approval is given on the understanding that you conduct your research as outlined in your application and in compliance with UTREC Guidelines and Policies (http://www.st-andrews.ac.uk/utrec/guidelinespolicies/). You are also advised to ensure that you procure and handle your research data within the provisions of the Data Provision Act 1998 and in accordance with any conditions of funding incumbent upon you.

Yours sincerely,

Dr Kristen Harkness, Convener of the School Ethics Committee

cc Nick Brooke

APPENDIX 1 Zimbabwe elections 2000-2008: key results

February 2000 Referendum	Yes: 45.32% No: 54.68%
June 2000 National Assembly election	ZANU-PF: 63 seats (48% of vote) MDC: 57 seats (47% of vote)
March 2002 Presidential election	Robert Mugabe, ZANU-PF: 56.2% Morgan Tsvangirai, MDC: 42%
March 2005 National Assembly election	ZANU-PF: 78 seats (59.6%) MDC: 41 seats (39.5%)
November 2005 Senate election	ZANU-PF: 43 seats (74%) MDC: 7 seats (20%)
March 2008 Presidential election	Morgan Tsvangirai, MDC: 47.9% Robert Mugabe, ZANU-PF: 43.2% Simba Makoni, Mavambo: 8.3%
March 2008 National Assembly election	ZANU-PF: 99 seats (46%) MDC-T: 100 seats (43%) MDC-M: 10 seats (8.4%)
March 2008 Senate election	ZANU-PF: 30 seats MDC-T: 24 seats MDC-M: 6 seats
June 2008 Presidential election Round 2	Robert Mugabe, ZANU-PF: 85.5% Morgan Tsvangirai, MDC: 9.3%

(NB: The President appoints a further 30 members of parliament. A two thirds parliamentary majority is required to amend the constitution.)

Data drawn from African Democracy Encyclopaedia Project
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