



Zimbabwe: Some Reflections and Hopes

(August 2020)

By Reg Austin

Zimbabwe today

Statement by the African Union:

»Addis Abba, Ethiopia: 7 August 2020. The Chairperson of the African Union Commission (AUC), Moussa Faki Mahamat, is following closely political developments in Zimbabwe as the country mounts concerted efforts in response to the devastating effects of the COVID-19 pandemic.

Cognisant of the existing harsh socio-economic situation in the country, the Chairperson urges the Zimbabwe authorities to respond to the pandemic ensuring that the national response is premised on human rights as enshrined in the 1981 African Charter on Human and Peoples' Rights. The Chairperson is concerned about reports of disproportionate use of force by security forces in enforcing COVID-19 emergency measures. He implores the authorities to exercise restraint in their response to peaceful protests.

The Chairperson further encourages the government of Zimbabwe to uphold the rule of law allowing for freedom of the media, freedom of assembly, freedom of association and the right to information. Violations of these rights are a breach of the African Charter on Human and Peoples' Rights and the 2007 African Charter on Democracy, Elections and Governance.

The Chairperson welcomes the appointment by South African President and current Chair of the Union, HE Cyril Ramaphosa, of two special envoys to Zimbabwe [...] The Chairperson reaffirms the African Union's commitment and support to the government and people of Zimbabwe in their endeavour to deepen democracy in the country, in line with the African Charter on Democracy, Elections and Governance.«

That carefully worded, measured statement by the African Union underlines the problems we face in Zimbabwe today. It reflects situations we have lived through before, and survived.

In our 40 years as an independent sovereign state, governed by one party, we have seen crises and change, but after our critical formative years (1980 to 1987) has change ensured that we are still the same? The struggle for peace, freedom and prosperity continues.

Zimbabwe's frustrated democratisation

This present Covid-19 CRISIS, like earlier crises, is attributed by the current ZANU administration, which has governed for the entire period of independence, to natural disasters and, more so, to an on-going series of destabilising internal and external activities, including economic and personally targeted sanctions, causing poverty and hunger, illegal interventions, false criticism and accusations, subversion, disloyalty and the failure of its internal opponents to embrace its leadership and repeated offer of National Unity and help attract urgently needed investment to cure our ills.

Internal critics, churches, civil society and political opponents of ZANU, commencing with the elected PF-ZAPU opposition in the early 1980s, have resisted this interpretation of the solution. They have sometimes been joined by external democratic Western critics, and occasionally by fellow African states. They have pointed to government corruption, failed economic policies creating unemployment, poverty and hunger, serial electoral malpractice, autocracy, militarisation, the undermining of the rule of law, and violation of human rights.

The current crisis has revived a combination of the internal critics with unusually specific criticism from a concerned

African Union, South Africa's fraternal offer to assist and the catalogue of worries from the Catholic Church in Zimbabwe, a long and outstanding critic of colonial minority rule and advocate of Zimbabweans' right to democracy.

Causes, crises and solutions?

Why and how did we arrive where we are? Where do we go from here?

I have reflected on these questions at different times, in differing circumstances, since I first became involved with the »idea of Zimbabwe« in 1959. Then, in the time of the ANC of Southern Rhodesia, they were not posed or named as explicitly as ‚Zimbabwe‘ but in terms of majority rule, democracy and freedom. That was what we believed ‚Zimbabwe‘ would mean for us. Majority rule has been answered, the other questions are on-going.

Causes

Seeking answers to, the causes of, or blame for current crises tends to focus primarily on the present or recent events, decisions and actions to explain the hows and whys of our situation. **I believe our history is also vital to explain the present and the likely future**, because it shaped actors who have been, and still are part of our present leadership of the political Party ZANU (PF-ZANU since 1987) whose policy and practices have been, are now, and probably will continue to be central to our hopes for the Zimbabwean Democratic Governance Project.

My present focus is on a period of our history when that leadership was brought together with Britain, a major actor in their – and thus Zimbabwe's – foundation and formation.

Britain had authorised the BSA (British South Africa) Company's mercenary occupation and then the settlers' colonisation and serial taking of our indigenous peoples' land. Finally, it insisted imperially on becoming the ambiguous manager, mentor and guide in the first, intensely troubled, dangerous times of our would-be project for peace, good government and prosperity.

This takes us back to **Lancaster House** and the crucial months of 1980-'82.

Critically interconnected events and factors unfolding then are still vital to understand.

These are:

1. The exclusion, by Britain, of the United Nations from the control and mediation of the 1979 Lancaster House constitutional conference, and thus the management and advisory role in the ceasefire, the elections and the military (Disarmament, Demobilisation and Reintegration – DDR) and civilian transition process.
2. The neglect and ultimately the exclusion of any negotiation with the Patriotic Front, of a fundamental purpose and source of the War of National Liberation – land reform, historically a central issue of decolonisation. The resulting being land reform's festering delay until its disastrous confrontation in the worst possible, chaotic, conflicting conditions of the 2000 Referendum and election.
3. The **British exploitation** of their control and influence, to pursue **Cold War priorities**. Thus exacerbating rather than reducing and helping to manage and resolve the post-conflict tensions within the Patriotic Front.
4. The extraordinary destruction and the destabilising and psychological effects of the external and subversive acts of violence visited upon the young Zimbabwean state, its newly installed government and opposition political parties and people.
5. The effect of these factors and events on the shaping of the political philosophy, practice and convictions of the central actors in the Zimbabwean drama: Robert Mugabe and ZANU, the political arm of ZANLA.

British framework for Zimbabwe's independence: Exclusion of the UN

a central role for the United Nations in mediation, management and oversight of the independence conference and transition, was the Anglo-American Peace Plan for Zimbabwe's independence process. It was pursued in the 1976 and 1977 Geneva and Malta conferences, accepted by the Patriotic Front and its Front Line State allies, but bitterly opposed by the Rhodesians and their internal allies.

In 1979, after Thatcher's election, it was vigorously lobbied against, by Lord Carrington's team, and replaced by the exclusively British »Directive Mediation« control of the conference. The independence election and transition was thus in exclusively British hands.

Carrington had persuaded the USA, the Front Line States and Nyerere to abandon the UN role. The UN plan was moth-balled, applied successfully in Namibia and developed for use in post-conflict peace and election transitions in Cambodia and elsewhere.

The Patriotic Front (PF) preferred a UN-assisted peace process. The UN was unambiguous as to the history and purpose of the armed struggle: Majority rule, while the Thatcher government openly condemned the liberation movement as terrorists.

Thus, for Britain to pretend to be a neutral mediator was seen as and turned out to be absurd.

In one important respect, the British plan worked, it achieved independence. But it failed totally to bring peace, in either the short run, failing to prevent or mitigate Gukurahundi (1980 to 1987) or to contribute positively to the long-term peaceful resolution of our major reform issue: land. It also neglected to foster, in the leadership it was mentoring during the first formative months, the deeper democratic values of tolerance and inclusivity – the pre-conditions of a democracy we still await.

Instead, the deliberate refusal to negotiate with the PF contributed to the on-going fear, misunderstanding and resistance to the peaceful management of change, which is democracy. This still bedevils us today and has made such interventions as the AU statement inevitable. The disaster was not only not negotiating, but Carrington's building into his constitution, like an improvised explosive device (IED), Section 16, entrenching for 10 years the absolute protection of farmland from expropriation.

The problem was left to fester for 20 years, to »blow up« in the most destabilising, dangerously provocative circumstances, in the midst of the 2000 Referendum and election.

The PF commitment to a negotiated land reform

Land and reform was a basic purpose of the war: to fight for in the bush or to negotiate for around the conference table.

The PF was ready for long, intense and tough negotiations. This, we were and remain convinced, would have saved lives, created a basis for good ethnic and international relations, the economy and a better future. Certainly it could not have been worse than the chaos, uncertainty

and insecurity of 2000 and onwards, which we still have to live with. This becomes even clearer given the US \$ 3.5 billion compensation for improvements the bankrupt government has agreed to pay to the dispossessed farmers.

The PF legal team at Lancaster House had in mind possible starting points, such as the Kenyan independence Million Acres Scheme, and a similar idea, raised in Kissinger's 1970s diplomatic shuttle to Rhodesia.

But there was to be no starting point.

There was never any negotiation, nor was there even a plan for exploratory discussion with the PF.

Carrington dictated – his preferred negotiating technique – and the Rhodesians agreed. He moved the agenda on, and refused to return to the land issue. The conference wound down to its final weeks. Still no sign of negotiation. Pressure on Nkomo and Mugabe, from PF combatants, who were always sceptical of British good faith, was growing.

In desperation, the PF leaders broke off the talks. They demanded that land reform be returned to the agenda. Carrington refused, knowing he was in a strong position, as Rhodesian attacks on the FLS intensified. He chose, instead, to combine his reliance on military and diplomatic pressures, to persuade our principles with a softening-up process, amounting to what was lies and bribes. The promises? Freely available finance from Western sources, sufficient to ensure that »market forces« would »liberate« farmland into the government's hands! These came from private conversations involving not only Britain but also the USA and Germany.

Reported by Nkomo to the PF-ZAPU legal team, our advice was that they should become part of the final agreement or at least be written and binding. This was refused. Our opinion was that the promises would not be worth the paper they were not written on.

The PF leaders persisted in their demand for negotiation. That had been the reason to enter the conference.

With the unrelenting pressures of Rhodesian attacks and Carrington's diplomatic pressure, the Front Line States (FLS) now joined the demand for the PF to go back to the table, to move on, to win the election.

General Josiah Tongogara the ZANLA Commander, back at the conference from Mozambique, confirmed that President Machel would not provide continued support. As he reported, »If we don't return to the table, we can return to Mozambique, but only to live on the beach.« The PF had no choice. Nkomo announced their return to the table ... The conference closed on 23 December 1979.

Land reform was never negotiated with the Patriotic Front, its future ex-combatants or their people.

A cold war agenda and a difficult, destabilized transition

The consequences of the change from UN to British control of the transition were equally long term. It meant, first, a directive British Chairman, setting the agenda and controlling it in London, second, the British Governor's election control in Salisbury, and finally, the British Military Assistance Team's (BMAT) central role in strategic meetings and decision-making, in implementing the election, the ceasefire and the DDR transition. This ensured that British priorities, and they were vital priorities, were at all stages permanently in mind and served first in the advice and guidance given to Mugabe and ZANU political and military leaders.

Internal tensions and Gukurahundi

Anglo-American Cold War concerns in Southern Africa were intense in the late 1970s. At Mozambique's and Angola's independence, armed and supported by China and the Soviets, they proclaimed to embrace a Marxist future. It was vital to British, US and, even more so, to apartheid South Africa's interests that the Patriotic Front, also backed by the Soviets [ZIPRA] and China [ZANLA], should not fall into the same orbit.

Thatcher's government's passion to control the Zimbabwean peace process was fuelled by its determination that the party coming to power in the new post-colonial state and government would not keep its communist connections. Both elements of the PF had such connections. ZIPRA was also in alliance with the ANC's armed wing, Umkhonto we Sizwe (MK), dedicated to the liberation of South Africa.

ZANU's political links were healthily anti-Soviet. It was supported, ZANLA was trained and armed by a »communist« China, which by 1980 (post-Kissinger) was firmly on its path to state capitalism. ZANU's liberation objectives were limited to overthrowing Rhodesia.

Thus, there were good reasons and opportunities for the ZANU government's inherited advisers and mentors to ease its entrenchment into power as »a less dangerously aligned« Zimbabwe state. This scenario was supported by ZANU's lengthy delay in opening diplomatic relations with

the Soviets. The potential of this Anglo-ZANU consensus on Soviet-inspired subversion spiralling out of control of its guide was soon, however, to become clear.

Early examples were ZANU's readiness to rely on unproven allegations of ZIPRA's subversive caching of arms as reasons to sack PF-ZAPU ministers and charging former commanders, including General Dumiso Dabengwa, of plotting with the Soviets. Their trial, before an ex-Rhodesian judge, formerly Ian Smith's Minister of Defence and Combined Operations and, unlikely to be a Soviet sympathiser, found them to be convincingly not guilty. They were immediately re-arrested and, for the next four years, detained without trial.

The tensions, anxieties and suspicions of the ZANU leaders were in no way smoothed by the British priorities or presence. They became overwhelmed by a tragic combination of the internal conflict, the disintegration within the army and a phenomenal scale of externally-sponsored destabilisation and destruction.

The circumstances leading to Gukurahundi would have been extremely stressful and destabilising for an established, confident and mature government, enough to break their nerve. They must have been terrifying for ZANU, Mugabe and his security officials. For the beleaguered Mugabe and Mnangagwa they must have fed an emerging paranoia and dangerous psychosis.

The embarrassing destabilisation from South Africa must also have been insanely frustrating and unbalancing. Shiri's 5th Brigade's targeting of presumed PF-ZAPU-aligned peasants in the Midlands and Matabeleland, freely labelled dissidents, might also have been an added suspicion (or a hint?) that, in line with their alliance with the ANC, ex-ZIPRA cadres were supporting MK actions in South Africa, something which would have infuriated Mugabe – and which he had promised the British and South Africans would not happen.

Might this best explain Mugabe's otherwise bizarre explanation, made without apology when the truth of the massacres was no longer deniable, that the long bloody years of Gukurahundi was, literally, »a moment of madness«?

In this extraordinary situation between 1980 and 1982, the British Governor's team and the BMAT's guidance and advisors were both perfectly placed to calm and reassure the thinking and decisions Mugabe and his security officials would make.

Mugabe's team's experience and orientation of decision-making and leadership up to this point was in »revolutionary violence« and the consuming intrigues of the liberation movement's infighting. They were new to the responsibilities of an election-based government and the alien ideas of the wider responsibilities of »elected power« and inclusive government. They were the »clay« of an emerging civilian leadership. The advice and guidance they were given during the intense »heat« of these extraordinarily challenged, formative months would »shape« the mode, model and style of the Westminster model of governance they would now adopt and develop. They would inspire ZANU's application and perfection of the system.

The long-term influence of the advice of their British »guides and comforters« on Mugabe and ZANU's decisions in the immediate »crisis« was dramatic.

Some would attribute to that influence and to those early crisis decisions their interpretation of the Westminster system of democratic government as »an elective dictatorship« as it was described by Lord Hailsham, a former British Lord Chancellor – though with the emphasis less on »elective«.

Gukurahundi

The Gukurahundi horror is best catalogued in the 1997 report »Breaking the Silence« by the Catholic Commission for Justice and Peace, and The Legal Resources Foundation.

The truth was and remains vital. This is necessary for understanding both ZANU's accusations of subversion and the horrors associated with Gukurahundi. It was supposed to be revealed by the two official (Dumbuchena and Chihambakwe) Commissions of Enquiry. Their delayed release and ultimate suppression was partly why the non-governmental research and report: »Breaking the Silence« became necessary.

Gukurahundi and the problems of power, loyalty and opposition

Despite the unproven allegations against PF-ZAPU before and during Gukurahundi, the party was never banned. It continued to contest openly as the opposition party, despite the sacking of its ministers, the trials and detentions; after the return of Nkomo from exile, a bizarre pretence of political normality persisted, while the army's

scourge of the affected rural areas persisted.

This was an agonising time.

I was aware, from hours spent talking with Nkomo in his home before 1987, of his rising sense that nothing would save PF-ZAPU; its mere existence was a continuing danger to any perceived ZAPU supporters. Its existence as an opposition party, no matter how weakened, was being seen as an existential threat by ZANU. His abiding dread was also of any external intervention in Zimbabwe, dragging it into a repetition of the chaos and destruction taking place in Angola.

Nevertheless we contested the election in 1985, retaining seats as the Official Opposition in Parliament. But the threatening atmosphere for isiNdebele speakers in the South West worsened. In the 1985 elections, in Harare constituencies, overwhelming ZANU victories did not save voters identified as PF-ZAPU from being hunted down, relentlessly beaten, their houses burnt. Masuku, Dabengwa and other ex-ZIPRA officers remained detained without trial, and they were never found guilty of any offence.

An inevitable victim of the constant flood of unproven accusations and denials was the truth of both Gukurahundi and our national history. The mass killing and violence against civilians was hidden or justified as necessary to eradicate the widespread existence of dissident »fish«, flourishing in the »sea« of disloyal supporters of a lawful political party, and was unrelentingly denied and lied about.

This practice persists as the government's current responses to concerns of the African Union, South Africa and the Zimbabwean Catholic Church confirm.

Gukurahundi and the surrender of PF-ZAPU for the sake of peace and national unity?

By the end of 1986 it was clear that Gukurahundi would continue. The price demanded of Nkomo by Mugabe to end it was the surrender of PF-ZAPU's separate identity and its incorporation into ZANU.

It was a high price to pay to stop the killing.

Nkomo and PF-ZAPU had grown out of the original ANC in the 1950s. They had survived Rhodesian bannings, imprisonment, detention, internal splits [which had given birth to ZANU], exile, negotiating critical military assistance and political solidarity in Africa and abroad, recruiting and building an army, fighting a war, exploring and negotiating a peace, all the while managing to maintain the commitment

of the Zimbabwean people at home to the struggle for democracy. The right to participate, the freedoms and peace which their skin colour had denied black citizens was now denied to ZAPU members because of their open pursuit of competitive, multiparty electoral politics.

Would the surrender to ZANU and the acceptance of a de facto one-party system achieve that peace and freedom? Nkomo had no choice in 1987. The surrender did achieve an important, if temporary, opening of political space.

But was it the answer to stable government in Zimbabwe? Is it still the answer?

Is this in reality the evolving ZANU model of democratic governance?

Did the blameless Gukurahundi, leading smoothly to the 1987 forced amalgamation – ZANU-PF – prove that national unity brought stability to Zimbabwe? Was this confirmed when the SADC region »assisted« PF-ZANU and MDC to restore credible governance after the discredited election by promoting another Government of National Unity (GNU) in 2009? Or now, is ZANU-PF »stabilizing« governance by effecting yet another, bizarre form of unity with a factionalised MDC?

The question is still open.

Capitulation to end the killing was a high and cruel price not only for Nkomo to pay but difficult to grasp for PF-ZAPU members not immediately suffering and fully aware of Gukurahundi's brutality.

I remember, making house-to-house visits to contact members in Harare to explain the harsh realities, having difficulty in explaining the situation. It was hard to convince a senior, dedicated party member, working as a domestic servant – who had encouraged her children to join ZIPRA – that it was necessary to submit and become a member of the future ZANU-PF. In the event, she and the party accepted the Unity Accord.

The Gukurahundi killing fields were closed. A grossly unbalanced immunity for crimes on both sides was handed out. Some lessons were learnt. These questions remain:

- Was this peace the inevitable coming of the one-party state?
- If not, what was the model of the ZANU-PF government to be?
- How, in fact, would PF-ZAPU and its proclaimed democratic values fit into a ZANU (now ZANU-PF) UNITY?
- What politics would be possible?
- What was the social contract on offer?

The Unity Accord: Mugabe's social contract?

Mugabe was said to keep a copy of Machiavelli's »The Prince« next to his bed.

His party's 40 years in control of the party/state suggests his was a complex, deliberately contradictory hybrid of philosophy and pragmatic practice. It understood the need to accommodate democratic constraints, rhetorically espoused or unavoidably imposed. He was always also a self-confessed »revolutionary«. But it would seem he was convinced that in the nature of man (or particularly Zimbabwean men and women) we must accept the protection and control of a Leviathan. Without its protection, life would only be »nasty, brutish and short«. There would be no viable state or order.

Was this belief inherent in the introvert Zimba »herd boy« become man, who Chikerema is supposed to have described? Or was it his intensive reading in political detention? How far was it formed by the worldly-wise advice offered, in the formative, terrifying weeks of Independence, the DDR breakdown, the total destruction of the Zimbabwe Air Force by Governor Soames and his team? Was it just hubris brought on by the habit of absolute power? Whatever its source, it would seem that he found in Thomas Hobbes' Social Contract and the »Leviathan« a most sensible as well as desirable form of governance for Zimbabwe, provided the Leviathan was himself and ZANU.

The most pernicious significance of this proposition is: Was his conviction of the rightness of such a Hobbesian »Social Contract« confirmed by the events and influences he experienced in the disastrous weeks of 1980 and '81? Does it help explain the dystopian decisions he made, leading to and during Gukurahundi?

His belief in its plausible application in practice in a notionally democratic system seemed to be proved by his later insistence on the »swallowing« of PF-ZAPU. He achieved it fault- and apology-free! No imperial or Western sanctions were imposed. The words »Gukurahundi« and »genocide« were not mentioned together for years. Lord Soames left Harare on friendly terms, with Britain happy with the success of »Directive Mediation« and British Transition Mentoring. General Shiri, appropriately promoted Air Force Commander, was duly invited to visit Britain.

A version of the theory, sanitised by its regional approval, was its application in the 2009 GNU. Significantly, ZANU-PF insisted that the vital levers of security powers were held by ZANU-PF.

Might it, then, still be part of Zimbabweans' future?

The critical question, as the post-Mugabe ZANU-PF continues, is:

Were what I suggest were Mugabe's Hobbesian convictions also able to infect, infiltrate and pervert our democratic constitutional institutions – executive, administrative, parliamentary and judicial?

He and the party have controlled and molded them for over 40 years. They are part of his celebrated »legacy«.

A one-party state?

ZANU and Mugabe openly embraced the idea of one-party rule, associating it rhetorically but not lastingly with its socialist revolutionary claims.

At the »incorporation« of PF-ZAPU into the ruling party, Zimbabwe was not a one-party state.

In 1987 all seemed ready for the introduction of the one-party state.

The first meeting of the PF-ZANU Central Committee (CC) seemed the obvious occasion for this. A resolution was proposed: That the party declare a one-party state and implement it.

But then the former head of ZIPRA Military Intelligence, the late Comrade Dumiso Dabengwa, just freed from detention without trial, spoke against the proposal. He argued that, based on his experience in the Soviet Union and the GDR, this would be wrong for Zimbabwe. No one spoke in favour. The proposal was not put to a vote.

I was in Cambodia from 1992 to 1994, and never attended another CC meeting after that. I am aware of no such resolution ever being passed. Yet, multiparty Zimbabwe was ruled for a short time, de facto, without any opposition.

The social contract and democratic space?

The decade following the 1987 incorporation of PF-ZAPU heralded what may optimistically be described as the postponed formative years of Zimbabwean democratic space. Before then, Zimbabwean politics were dominated by two partly militarised parties. The country had been in a schizophrenic state. In the South West, life was made »nasty, brutish and short« by the Central Intelligence Organisation and the 5th Brigade until they were called off by ZANU.

For the rest of the country, and in the eyes of the world, a miraculous transition to inter-racial peace and reconciliation was taking place. White farmers dismantled their elaborate security systems, bought a ZANU membership card and called on its Commissars if their »labour« gave problems. And made money.

In Harare, even PF-ZAPU members like myself (who had been involved in the joint PF legal team) were welcomed. I had failed to join the new government service but was delighted to be offered the Chair in the Law Faculty of the University of Zimbabwe (UZ). The University, in fact, became something of a haven for »liberated« but non-ZANU academics. After 1987, in the space created by Unity, I stood for and was elected to the ZANU-PF Central Committee.

There was a safe place to participate in Unity.

I was invited by President Mugabe to undertake a series of official tasks. I chaired the Board of the vibrant Air Zimbabwe and Affreight Air. I also joined a mission regarding conditions of our students in Cuba and official peace and election promoting initiatives: a Commonwealth mission to Mozambique exploring with FRELIMO and RENAMO a ceasefire and internationally supervised elections; an Observer Mission to the 1991 elections in Zambia, ending Kenneth Kaunda's rule and one-party state; a UN all-party meeting in Luanda for a possible peace treaty in Angola, via UN-supervised elections. This led to drafting electoral laws for the UN Transitional Authority in Cambodia [UNTAC] and then heading up its Electoral Component. For this, President Mugabe approved my release from my duties at UZ and the airline. In 1994, he supported my appointment to the Commonwealth Secretariat. Until 2006, I worked internationally on post-conflict, election and democracy promotion.

Having witnessed the savagery of the 1980s and then the transition to a united cooperative government promising and indeed delivering an energetic phase of national development (with the sad exception of the South/West), was an extraordinarily contradictory, discomfoting, puzzling experience. It had brought a peace of sorts. It had created a less psychotic, paranoid state of mind in the new, renamed ZANU-PF government. Was this the proof of the Hobbesian idea? Was this the best model for Zimbabwe?

Equally confusing (or promising?) was the fact that multiparty competition returned and grew in that space before 2000. It might have taken root and established. But the Lancaster House refusal to negotiate the land issue was reopened by the Referendum. The ensuing chaos closed the space and installed a fearful and discomfoted policy and practice in ZANU-PF, which keeps that question open.

The multiple consequences of un-negotiated land reform

The unresolved land issue had remained central, festering, but largely avoided until the 2000 Referendum. In the proposed new Constitution, the government reasserted this 1990 promise to expropriate commercial farmland, with compensation limited to »improvements« of the land, but no compensation by Zimbabwe for the land itself. The land had originally been taken by British authorised »BSA Company conquest« – without compensation – from the indigenous people. British government's title to it had been confirmed by a 1919 Privy Council judgement, which had also decided that the idea of an »indigenous title« was »uncivilised«. Britain then sold the title to the Rhodesians. Thus it was to Britain, in the government's view, that farmers would have to look for a remedy for stolen land »sold« to them.

Apparently unaware of the explosive reality of Carrington's refusal to allow land reform negotiations at Lancaster House, white farmers had been content diversifying their »breadbasket of the region« industry, comforted to see that the president and his ministers were shedding their socialist pretences, and discovering the comprador rewards of government »insider dealing«.

In the promising post-Unity political space, the government's amendment of Section 16 was put for popular approval in the 2000 Referendum.

Carrington's un-negotiated »IED« was now linked for popular approval with other significant proposals. The defeat of the amended constitution came as a shock. It was the first defeat for ZANU-PF.

Mugabe accepted the result, but it soon became clear that land reform was still an essential mobilising instrument and that there would be a return, if necessary, to the »struggle mode« of its pursuit.

The political space was quickly closed. Government anxiety saw land reform as being denied by an alliance of revived colonial and misinformed subversives as well as pretended multiparty democrats, encouraged by international capital. It should never happen.

Together those had indeed rejected the new Constitution, but for different, insufficiently differentiated reasons. The MDC and civil society were bitterly opposed to the proposed extension of Mugabe's term, the commercial farmers to the expropriation of land. The MDC, with trade union origins, was surprisingly ambiguous on land reform,

or perhaps just being tactical and unwilling to seem to endorse government rhetoric?

For this reason even ex-PF-ZAPU and other non-ZANU leaders, loyal to the original war aims, distanced themselves for years from the MDC.

But the real shock of the rejection of the Referendum and MDC's electoral performance showed that a loss of power was what was at stake.

The result was revived autocracy, electoral manipulation, augmented official and ex-combatant, »volunteer« mobilisation.

Raw power was again necessary to keep government power, now in the name of land reform. This suppression of what might have been a return to the democratic project remains the mostly forgotten casualty of Carrington's refusal to negotiate with the PF.

The chaos of what became the »fast track« land reform programme caused a range of immediate avoidable disasters. The most enduring disaster was the Zimbabwean economic downturn.

No doubt the sanctions for the expropriation and violence, to which the government mainly attributes such ills, was also part of the problem. But the opportunities the »reform« offered for increasing anti-democratic practices: corruption, greedy accumulation, patronage and unaccountability, are an obvious reason for the decline.

They have also distorted constitutional institutions so badly that the return to regulated, accountable government is almost impossible.

The range of victims of the immediate and on-going chaotic land reform now outweighs the real advantage of the land distributed to landless peasants and to efficient large-scale indigenous farmers.

The victims include: displaced farm workers, indigent expelled white farmers, the forgotten communities deprived by colonial land grabs, the vast number of unemployed, lost basic services in the fields of health, education, water, electricity, roads and food. They are all in the queue, in need of peace, freedom, dignity and prosperity.

The sudden explosion of the land reform problem was to go on to create wider harm and controversy. These included Zimbabwe's loss of respect for the rule of law following the physical expulsion of the Chief Justice for his judicial position on the issue and the consequent loss of the independence of the judiciary. The problem went on to become regional, leading to the abandonment of what should be the Human Rights Tribunal in Windhoek.

A possibly internally negotiated land reform?

If the explosion of the land issue in that »perfect storm« after the 2000 Referendum had been avoided, might the catalogue of disasters brought about by the initial refusal to negotiate have been avoided? If the Referendum had been accepted and land reform submitted to parliamentary debate, lobbying, rational argument on its legality, involving private, governmental and international investors and national civil society, might the further downstream consequences have been avoided or at least mitigated? I believe that might have been possible. The 1990s decade might have allowed the »Leviathan« complex to wane, rather than its waxing as it has, to include a deniable coup d'etat to launch a »new dispensation« and novel means of ensuring control by incorporation.

Perhaps the best evidence to support my slight optimism is the fact that ZANU-PF has now agreed with farmers to implement Mugabe's 1990 policy, after two decades of chaos and delay. How much better would the negotiation have been than three decades of chaos have been?

Downstream effects of chaotic land reform

Inevitable by-products of the unplanned chaos of the »taking and distribution« of such precious assets as the farmland in Zimbabwe, especially if combined with inefficient or corrupt government or party institutions, has been the growth of a culture of insider »sharing of the spoils«. This feeds the growth of a patronage system. This has become identified with a system of increasingly centralised, unlawful controlling mechanisms.

Land distribution was an insufficiently class- and gender-aware process and insensitive to the equitable restoration to indigenous communities of the loss of land by force. This has also created a widening culture of gross accumulation. The range and scale of the opportunity and temptation of material enrichment (or loss), the chaos it provided was enormous and infected other areas.

All of these have made electoral or any other form of reform or peaceful change which threatens the loss – or even independent constitutional control – of state power much less possible. Additionally, the drama and publicity of Zimbabwe's »fast track« »taking and redistributing« has

provided Mugabe and ZANU-PF with the credible use of a powerful alternative »anti-capitalist/anti-imperialist« »development as a human rights« narrative. This works well to counter, deflect or neutralise criticism of ZANU-PF's record of suppression and violation of political and civil human rights.

One other compensation for the constant personal criticism of Mugabe's identification with the land grab has been his elevation, throughout the world, as the »real liberator of the land«. I witnessed this unexpectedly in a faraway corner of the Pacific, the Solomon Islands.

A very Melanesian passport officer, inspecting my passport, uncertain whether, and if so, where Zimbabwe really existed, he immediately recognised it at the mention of President Mugabe, »Ah, yes – the man who took the land back from the colonizers«.

Land remains, universally, a critical, passionate post-imperial matter.

For all of this, the blame – misplaced in my view – is heaped almost exclusively on Mugabe and ZANU-PF, as the result of their insistence on returning in the amended constitution to land reform and expropriation of colonially-seized land. More properly, blame was due for its failure to control the violence and chaos into which the »fast track« land seizures descended.

But, as much of this reflection has sought to show, our history is and continues to be written not only by ourselves, but by others and, in our case, most specifically by Britain.

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He has been involved in work for its independence and democracy, at home and abroad, since 1960. He was the founding Dean of the University of Zimbabwe Law Faculty until 1992, when he worked for the UN on post-conflict election-based transitions in Cambodia, South Africa, The Solomon Islands, Afghanistan and East Timor. Between 1994 and 2002 he worked with the Commonwealth Secretariat in London and International IDEA in Stockholm. He was Chair of the Zimbabwean Human Rights Commission from 2009 to 2013. He is married and has three daughters.

The Southern Africa Documentation and Cooperation Centre in Vienna (www.sadocc.at) feels honoured by Prof. Austin's decision to publish his thought-provoking analysis of Zimbabwe's post-Independence development in our magazine, INDABA (nr. 108, December 2020). We want to express our sincere gratitude to him. We also thank Lotte Rieder-Fraunlob for editing and preparing the text for publication.