



TAKEAWAYS FROM THE COMMISSION OF INQUIRY

Zimbabwe Post Election Violence 2018

ABSTRACT

Towards addressing the National Question and reforming politics in Zimbabwe, the brief analyses the testimonies by witnesses to the commission of Inquiry to understand the state of politics in Zimbabwe and chances of reform.

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*"We believe what we saw is that Zimbabweans want dialogue and they were talking to each other through the commission."
Chairperson of the Commission Montlante 2018*

Key Takeaways from the Commission of Inquiry into Post Election Violence- 2018 Harmonized Elections: Towards addressing the National Question and reforming politics in Zimbabwe.

Executive Summary

President E.D Mnangagwa established the Commission of Inquiry to investigate post- election violence that erupted in Harare two days after polling on 30 July 2018. Several witnesses gave testimonies to the commission with regards to what occurred on the 1st of August 2018 when the military was called in as reinforcement to quell down demonstrators in Harare, leaving six people dead.

This policy brief posits that the Commission of Inquiry established or brought to the fore, four keys contestations and findings;

One: Zimbabwe is a divided and polarized state. The country has two truths. One told by ZANU PF and another told by MDC Alliance. The state of affairs indicates a stalemate at both the elite and ordinary citizen level.

Two; elite thirst and fight for power as an end in itself is overriding chances of common understanding towards building and reconstructing the state.

Three; economic affairs play second fiddle to the politics and are used to undermine parties' claim to power. In the same vein, citizens are used to push elite political agendas disguised as economic struggles.

Finally, and certainly not least, the inquiry laid bare the entrenchment of the security sector in the politics of the country. Disentangling this role must form part of the national question.

The brief recommends

- 1. A return and adherence to constitutionalism**
- 2. Security sector reform**
- 3. Electoral processes reform, and,**
- 4. Nation building**

Critically, the brief invokes the need for Zimbabweans to have a common national question which will assist in reforming the politics towards democratization, economic prosperity and more importantly nationhood characterized by de-polarization, peace and unity.

Introduction

It is November 29, 2018. The curtain comes down on the Commission of Inquiry's witnesses' testimonials of the August 1, 2018 post-election violence in Zimbabwe. The commission has a three-month term ending December 19, 2018. President E.D Mnangagwa established the Commission of Inquiry to investigate election violence that erupted in Harare two days after polling on 30 July 2018. Six people died on the fateful day and several more were injured after the military intervened to quell down a demonstration by citizens demanding immediate announcement of presidential poll results. In November, of 2017, Zimbabwe experienced a watershed moment as the military "assisted" Emmerson Mnangagwa to take over power from longtime leader; RG Mugabe. In an unprecedented fashion, citizens, encouraged by the military and Mnangagwa affiliated war veterans, thronged the streets of Harare and Bulawayo, demanding the immediate resignation of the founding leader of independent Zimbabwe. Among the tens of thousands that thronged the streets, no one was shot, no property was vandalized, and Mugabe said goodbye!

Is it a coincidence that the military finds itself at the centre of two similar proceedings but wearing different hats and with two different results? The results only share a similarity in that they both had a huge impact on the democratization of politics in Zimbabwe. So much has been said about the events of November of 2017, their effects and lack thereof. Similarly, so much has been said about August 1 events and the Commission of Inquiry's hearings. Going forward, what lessons can be learned from these events towards building a peaceful, democratic and united nation? This brief posits that the hearings opened a can of worms with regards to the Zimbabwe situation. Although largely ignored, Zimbabwe's problems are gigantic, deep-rooted and will continue to hinder the country from moving forward. Fundamentally, the brief posits that the country's nationhood, is devoid of nation builders and suffers from unhealthy politics characterized by polarization, undefined (secretive) military-state relations and an ignorant citizenry.

The commissioners and their Terms of Reference

The President appointed a commission in terms of the Commissions of Inquiry Act [Chapter 10:07]. The commission's terms of reference, he stated, were as follows:

- a. to inquire into the circumstances leading to the 1st of August 2018, post-election violence;
- b. to identify the actors and their leaders, their motive and strategies employed in the protests;
- c. to inquire into the intervention by the Zimbabwe Republic Police in the maintenance of law and order;
- d. to investigate the circumstances which necessitated the involvement of the military in assisting in the maintenance of law and order;
- e. to consider whether the degree of force used was appropriate to the ensuing threat to public safety, law and order;
- f. to assess extent of damage/injury caused thereof *[sic]*;
- g. to investigate any other matters which the Commission of Inquiry may deem appropriate and relevant to the inquiry;
- h. to make suitable recommendations; and
- i. to report to the President in writing, the result of the inquiry within a period of three months from the date of swearing-in of the Commissioners.

The seven-member commission was chaired by former South African President Kgalema Montlante and comprised of British Advocate Rodney Dixon, Tanzanian retired General Davis Mwamunyange and ex-Commonwealth Secretary General Chief Emeka Anaoku. Locals included Professors Lovemore Madhuku (Constitutional Law expert), Charity Manyeruke (Political science) and former Law Society of Zimbabwe President, Ms Vimbai Nyemba. While the profiles of the commissioners raised several questions as to the purpose and intent of the appointing authority, the commission exuded some balance, international outlook and possible impartiality.

Some proclaimed the setting up of the commission was a direct witch hunt against the General who had brought ED to power, Constantino N Chiwenga whose stamina at the swearing in of the commissioners, left those with doubt, convinced he was guilty as charged!

The main actors

The main actors can largely be categorized as comprising of the victims, the “perpetrators”, the demonstration “instigators” and the by standers. Without categorizing the individuals, the main actors included Nelson Chamisa, General Valerio Sibanda, Generational Consensus Organizer Makomborero Haruzivishe, Tendai Biti, Major General Sanyatwe, Police Commissioner Matanga, Jim Kunaka, Gabriel Chaibva, Paddington Japajapa, Former Minister of Home Affairs Obert Mpfu and Husband to one of the deceased victims.

...And what they said

Soldiers pointed and shot at 45 degrees!

There was no time for written deployment of Military!

Operation restore Legacy to end July 30!

Opposition trained military operatives (mercenaries)

We (ZANU PF) were trained to infiltrate demonstrations

Election results transmission should be more transparent

Lying is a serious indictment on the future of our country

Snipers shot citizens, not soldiers

What builds destroys, what destroys builds: the dilemma of moving forward!

The testimonies provided to the Commission of Inquiry clearly showed a divided nation which cannot see one thing and reach to the same conclusion. The testimonies further showed that the lack of nationhood in Zimbabwe is far from ethnic but largely political. The commission chairperson, Montlante, in a post hearings interview commented that, “we believe what we saw is that Zimbabweans want dialogue and they were talking to each other through the commission.” Indeed, the commission hearings became a ventilating platform where different political views were aired without limitation. Witnesses went to far lengths to disprove “opponents views” and propagate their own. In the end, what was clear was the fact that Zimbabwe is at crossroads *vis a vis* the national question.

The elephant in the room: Military factor

The role of the military in the politics of Zimbabwe dates back to the liberation struggle. The inseparability of the liberation movement and the military wing continues to cloud the future of democratization of Zimbabwe. Events of June 2008, November 2017 and August 1, 2018 are clear testimony of the many faces but critical interventions of the military in the politics of Zimbabwe in recent times.

Testimonies of witnesses to the Commission of Inquiry all featured the military’s different faces and roles. Depending on who was giving the testimony, the face of the soldier would be either positive or negative.

When the truth is fictionalized!

Gabriel Chaibva, Jim Kunaka, Shadreck Mashayamombe, Linda Masarira, Anselem Sanyatwe and Paddington Japajapa’s testimonies received different

views from the general public. More so, they received polarized reactions. But what is the truth?

There is no reconciliation without truth...

The polarized reactions to the testimonies by witnesses further demonstrate the nation's state of divided affairs. Can such levels of polarity see a united nation through?

When truth is fictionalized, and there is an elephant in the room, what becomes the way forward?

Post inquiries; the national question remains: where to Zimbabwe?

The inquiry process not only opened up known but never told stories in the state of affairs of Zimbabwe but the need for a relook and further understanding of the role of the military in the politics of Zimbabwe.

The Sunday mail once published an article titled "confronting the national question" in April 2018. The article posited that the national question is simply "how do we develop". It is simplistic in that it diverts all attention from hard politics towards just economic issues. What the post-election period has shown is that economics alone will not cut it. The national question must thus be all inclusive and premised on legitimate governance, unity and peace.

Policy recommendations

The national question: Towards reconstruction of the state

1. Return and adherence to constitutionalism

The challenges bedeviling the country largely emanate from poor adherence to constitutionalism, if any. To this end, it is critical that citizens are a pivotal part of this adherence through intense constitutional awareness. Furthermore, alignment of laws to the constitution is fundamental to laying a firm ground to constitutionalism. Five years after adoption of the constitution, the majority of laws are still to be aligned.

2. Security sector reform

The role of the Military in political affairs of the state has increased or has become overt in recent years. Security sector reform must define the new administration's intention to reform and democratize the state. The Commission of Inquiry is an important first step as it has exposed the entrenchment of the military in the politics of the country.

Best practice in security reforms includes making the security sector answerable to the Parliament of Zimbabwe. Parliament must be accorded

powers to confirm declaration of war and invite the military to hearings where necessary.

3. Free and fair electoral processes

3.1. It's the environment stupid! Any reform process must address the fear factor among citizens

Electoral processes in Zimbabwe, while largely timely and legal are held under highly contestable and unfree and unfair political environments. Systematic manipulation of electoral processes in Zimbabwe is well documented and continues to hinder effective participation of citizens in electoral processes. Major tools of systematic manipulation of elections in Zimbabwe consist of intimidation, vote buying, traditional leaders, abuse of state media, misuse of state resources and the security sector.

3.2. Does Zimbabwe's legal framework facilitate systematic manipulation of electoral processes?

The legal framework provides Independence of ZEC through the constitution but is undermined in the enabling framework particularly sections 9, 12, and 192(6) which subordinate the electoral commission to the executive arm of government.

3.3. Election administration in darkness breeds mistrust

Election administration in particular results transmission need to be conducted in a transparent, verifiable, and accountable manner. While the process itself and the time frame are clearly laid out and in order, there are several dark spaces limiting stakeholder access particularly the collation and announcement process.

4. Building a nation; Polarization breeds economic stagnation and violence

The state is highly polarized. Peace building, nation building, and unity must characterize the reform process going forward. Economic reforms in such a state faces insurmountable hurdles and can only fail.

Conclusion

The Commission of Inquiry into the August 1, 2018 post-election violence has a significant bearing on the future of Zimbabwe. It signifies a possible beginning to economic revival, nation building, healing and reconciliation based on the critical finding that Zimbabwe is a divided state, lacks common purpose and is highly polarized. The national question confronts the country, and there is no better time to ignite the process towards responding.