

An institutional explanation for the Zimbabwean Tragedy

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Abstract

Zimbabwe is a tragedy of monumental proportions. In this however it is not unique on the African continent. It is the norm. There is a growing consensus that the source of Africa's problems is its leaders. Typical of this view is that expressed by the Nigerian Nobel laureate, Wole Soyinka:²

“African dreams of peace and prosperity have been shattered by the greedy, corrupt and unscrupulous rule of African strongmen. The dream has evaporated because of the treachery and betrayal of leaders with their pursuit of power and wealth. One would be content with just a modest cleaning up of the environment, development of opportunities, health services, education, eradication of poverty. But unfortunately even these modest goals are thwarted by a power crazed and rapacious leadership who can only obtain their egotistical goals by oppressing the rest of us.”

It has all been about personal enrichment through political power and personal enrichment of a few empowered individuals. It was never about the people.

Accepting this view, leads to another question, why is it that this does not happen more generally? The answer to this was, in my opinion, correctly given by Douglass North - History matters and Institutions matter. Institutions impose constraints. In this also, it seems to me, that the novelist Joseph Conrad understood this. In his novel *Heart of Darkness* his protagonist returns from the Congo, at the time a place without institutions to a society with institutions and realises³

‘You can't understand? How could you - with solid pavement under your feet, surrounded by kind neighbours ready to cheer you or to fall on you, stepping delicately between the butcher and the policeman, in holy terror of scandal and gallows and lunatic asylums - how could you imagine what particular region of the first ages a man's untrammelled feet may take him into by way of solitude - utter solitude without a policeman - by way of silence - utter silence, where now warning voice of a kind neighbour can be heard whispering of public opinion. These little things make all the difference.’

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2 Smith :402

3 Conrad (1988:49)

Conrad was correct. The world did and could not understand.

When the various institutions are discussed, it should be noted that Zimbabwe did not destroy these, but used them for its advantage; they are subjugated for the advantage of the state. The state gains legitimacy via the institutions..

THE MEDIA

Soon after taking power Mugabe set about subjugating the media. Using funds provided by Nigeria, the government set-up a trust, the Mass Media Trust, to buy out control of the media. White editors were sacked and replaced with government appointees. When a small weekly paper reported on the arrival of a North Korean military mission, the editor was picked up by the CIO, driven to Harare where she was reprimanded by Mugabe and sacked.⁴ In 1985, the editor of the *Sunday Mail* was fired because he refused to withhold reports on government corruption. A further staff member was fired for writing an editorial critical of government action as was the editor of the *Bulawayo Chronicle* for disclosing acts of corruption perpetrated by government officials (Smith 2001: 384). Hence information about government corruption was systematically withheld from the public.

It quickly became a criminal offence to criticise Mugabe. In 1986 for example Mainor Nkala a young Zimbabwean woman from the Matabelelands was jailed for six months for publicly wishing Mugabe was dead.⁵ It is thus not surprising that during the early years there was so little criticism of his actions and that of his regime.

There was virtually no coverage, anywhere in the world of the Matabelelands massacres, in which an estimated 80 000 Matabele were slaughtered. The media failed because the government prevented press access to the area⁶ - a popular course of action.⁷ This then was followed by dis-information by the government.⁸ The early failure of the press was thus probably more due to government action than the

4 Meredith (2001:81)

5 'Jailed for wishing Mugabe dead' *Star* November 11, 1986.

6 Smith 2001

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8 Robin Drew 'Zimbabwe denies defying High Court' *Star* November 4, 1993 is an example of the government barring the press and then spreading disinformation. On the Monday, the High Court had issued an injunction preventing the government from evicting persons from the Churu Farm outside Harare. Despite this, the next day the police sealed off the farm and barred the press from entering the area. The inhabitants started to flee the area protesting that they had been evicted at gun point. Despite this the government denied that the armed riot police had evicted anyone. The minister was asked then to explain why the residents had left, to which he replied, 'That is hearsay.' Asked if the displaced residents would be able to return, he replied, 'No no-one gets

press itself.

THE RULE-OF-LAW

Executive action

It also did not take long before the rule-of-law was under attack. This took numerous forms; firstly the executive ignored or over-ruled court orders, secondly the executive issued presidential pardons or granted amnesties to frustrate actual or possible court decisions and thirdly the executive ignored selected criminal actions.

The Zimbabwean executive has a long history of ignoring or over-ruling the courts. This happened almost from the time when Mugabe took over. After the attack on the Thornhill Airforce Base in July 1982, six officers high-ranking officers were arrested, incarcerated and tortured in order to extract confessions. They clearly had nothing to do with the incident since they were 300 km away from the base when the attack took place. They were eventually tried and acquitted in a case presided over by Zimbabwe's first black judge. Undeterred by the acquittal, Mugabe had them rearrested and imprisoned.⁹ In 1982 the government used emergency powers against its former ZAPU/ZIPRA, allies. In March 1982, Dumisa Dabengwa, ZIPRA's intelligence chief, Lookout Masuku, ZIPRA's commander and four others were charged with treason. All but one were acquitted, nevertheless the government ordered their indefinite detention. Masuku was detained until a few weeks of his death in 1986.¹⁰ In 1986 Mr Leslie Lesia was arrested and tried for murder. Eighteen months later the court ordered his release. He was immediately redetained.¹¹ In 1994 Minister Dabengwa ordered the police to ignore bail orders granted by Feargus Blackie in favour of a white farmer.¹² In 1999 Mugabe overturned the Supreme Court's decision that the three American imprisoned citizens could wear their own clothes and interact with each other in the preparation of the defence.¹³ When the judges attempted to enforce judgments by charging the minister of justice, Patrick Chinamasa with contempt of court, the minister's response was that judge's orders 'should not be tolerated.'

into Churu Farm.' Asked if the government is defying the High Court he replied that it was not and that an application for eviction had been lodged with the courts. A check with the registrar of the court revealed that no such application had been made. The *modus operandi* to neutralise the press is thus simple. Bar the press, deny the truth and spread dis-information.

9 Smith 2001:380

10 Meredith (2002 :79); Kriger 2003; 30).

11 Editorial 'No justice' *Star* October 10, 1988.

12 Michael Hartnack 'Mugabe guns for judge over bail' *Sunday Times* March 12, 1995

13 Bernard Mandividza 'Mugabe overturns court's decision on US accuseds' rights in prison' *Star* July, 23, 1999;

Presidential pardons are well known in constitutional law. The use of presidential pardons, to override judicial decisions against Mugabe's supporters were common-place. When a senior Mugabe candidate was opposed by a local businessman Patrick Kombayi an attempt was made on the life of this candidate. The evidence implicated one of Mugabe's senior police officer and a ZANU (PF) youth leader. They were duly convicted of attempted murder by a magistrate, the verdict confirmed by the High and the Supreme Court of Appeal. Mugabe immediately pardoned his supporters. In a further unrelated case more of Mugabe's youth brigade were found guilty of assaulting a member of the public. The foreign minister then publically denigrated the magistrate stating that the political party would pay the fines. Before the fines could be paid however Mugabe once again issued a presidential pardon.

Similarly when, in 1988 the *Chronicle* revealed details of how a group of politicians, civil servants and businessmen were involved in a scam by buying up cars produced at the state-owned Willowvale factory and selling that at inflated prices. Mugabe appointed a commission under the chairmanship of a High Court judge who investigated nine ministers, four MPs, seventeen senior officials, including the Enos Nkala the then minister of defence. Only one prosecution was instituted against minister Fred Shava who was convicted for perjury but before he could spend one night in prison, Mugabe once again issued a presidential pardon,¹⁴ rendering any further prosecutions nugatory. To ensure that no more embarrassing revelations are made the editor of the *Chronicle*, Nyarota was removed from his post as indicated above.

The legal system was thus undermined.

After the government announced it would increase sales tax, fuels and electricity charges and income tax to pay for the payment to the War Veterans, Morgan Tsvangirai led the first post-independence national stay away. The government announced that it would shoot the demonstrators. A court order was obtained restraining the police from interfering with the stay away. The police ignored the order and baton charged the demonstrators.¹⁵

When the High Court ordered the release of Morgan Tsvangirai he was released but simply re-detained almost immediately.

14 Meredith (2001:87)

15 'Zimbabwean MPs join revolt over taxes - Police will shoot demonstrators, beleaguered Mugabe warns' *Star* 11 December 1997.

Detention without trial has been a permanent feature of Zimbabwe.¹⁶

On the other hand it could be used to achieve Mugabe's objectives. It could not be used against him but it could be used by him. Equality before the law was undermined.

The judiciary

Initially the Zimbabwe judges fought an exemplary fight to uphold the rule-of-law. Judges were appointed on merit and not because of any affiliation to ZANU-PF. Enoch Dumbutshena was appointed as the first black High Court judge and the first black Chief Justice on the 24th February 1984. He had been appointed as a high court judge shortly after independence and had never been a member of the ruling party. As a high court judge he delivered the ruling to acquit the airforce officers (*supra*).

In light of the actions of the government it could not be easy being a Zimbabwean judge and increasingly judges came under personal attack.¹⁷ In 1987 Chief Justice Dumbutshena was attacked by government ministers and amidst calls for his resignation.¹⁸ He was eventually forced to resign at the age of 70 after warning that Zimbabwe would face a 'descent into uncivilised chaos' should the state continue to defy judicial orders. Once it became clear to Mugabe that the judges would uphold the constitution thereby thwart his land grab plans, he launched a concerted attack on judges calling on them to resign¹⁹ so that he could replace them with, to borrow a phrase from Paul Johnson,²⁰ 'creatures of his own'.

The Mugabe government (this time via his judges²¹) continued to hound judges even after they had retired. In September 1992, the retired Mr Justice Fergus Blackie was arrested at his home in the early hours of the morning and held for three days in police cells without bail on charges 'of attempting to defeat the ends of justice' in that he had acquitted Tara White, a white person, to prevent a white person

16 Patrick Laurence 'Rule of law is a guide - Zim judge' *Star* April 14, 1989

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18 Michael Hartnack 'Call on Z'babwe judge to resign' *Eastern Province Herald* November 16, 1987.

19 Michael Hartnack 'Mugabe calls on Chief Justice [Anthony Gubbay] to quit' *Business Day*; 'Zimbabwe A-G [Patrick Chinamasa] launches attack on Chief Justice [Anthony Gubbay]' *Star* January 16, 1991

20 When Castro took over, judges too for awhile attempted to uphold the rule-of-law.

21 Chief Justice Godfrey Chidyausiku admitted that he had ordered criminal investigations into Justice Blackie. In the adversarial legal system it is highly unusual for a judge to instigate criminal proceedings. It is the function of the police to investigate alleged criminal acts and once completed to submit the docket to the public prosecutor who formulates the charges. It is only at this stage that the impartial judge gets involved. It would be difficult to have faith in the legal system if it appears that the person before whom the accused appears is the person who has instigated the criminal investigation. In addition to the criminal charges the Mugabe government instigated allegations that the judge had had an affair with Ms Tara White. Judges would be in an impossible situation if they could face criminal charges arising out of decisions they make.

from going to jail. The action of arresting a judge drew condemnation from South Africa's chief justice who pointed out that the perception was that 'this high handed and disproportionate action ... was not only to humiliate the former judge but also to intimidate others.'²² The Chief Justice's assessment was probably correct since a few months later a second judge Mr Justice Benjamin Paradza was arrested causing an international outcry with a spokesman for the United Nations also concluding the arrest was aimed at intimidating the judiciary.²³

With the independent judges out of the way, Mugabe appointed his colleagues as judges.²⁴ He appointed Godfrey Childyausiku as Chief Justice. Previously he was a high-ranking member of Zanu-PF.

Mugabe's malita

A government sponsored "malitia" is a characteristic of a government based on thuggery.²⁵

Towards a *de facto* one-party state

The story of Zimbabwe should in theory have been a better tale to tell. When the management of the country was transferred to black majority rule, the new government was inheriting, as Julius Nyerere of Tanzania put it; 'A jewel.'²⁶ Unlike all of the countries to the north of it, it had a working economy with inflation running at 3%,²⁷ despite United Nations sanctions. The country had been the centre of world attention for many decades and Robert Mugabe had the opportunity to gain experience negotiating with world figures and was elected (even if flawed) into power in 1980. He inherited a well defined and functioning Westminster style multi-party parliamentary system, well-trained, respected, independent judiciary and a free press. The separation of powers was constitutionally entrenched. In theory it could have been a simple change of government by the electoral system common to the developed world. But this was not to be.

An elected leader of western styled democracy face an uncomfortable peril - the danger of losing office. Indeed in modern democracies there is an almost certainty of losing office. On the other hand the one-party Marxist-Leninist type of system holds the attraction of a life-long appointment. Premier Ian Smith

22 'Treatment of Zim judge slammed' *Star* September 20, 2002.
 23 Basildon Peta 'I was degraded in prison - Zim judge' *Star* March 6, 2003
 24 'Mugabe gets his judge in' *Star* February 2, 2001
 25 Hitler had his Brownshirts; Malawi' Banda had its Youth Brigade;
 26 Meredith (2002:15)
 27 Smith (2001:)

asked an intelligent minister in the Mugabe government how could he support a failed economic system such as the Marxist system, to which he replied, ‘Once you become the government, you remain the government forever’ (Smith (2001:380)). What Mugabe wanted was not a Marxist state but a one party state that would guarantee him and fellow PEPs lifelong appointments.

So Mugabe set about creating a *de facto* one-party state, not because he was a Marxist but because it ensured that he, like the rulers to the North of Zimbabwe could remain in office, indefinitely. Zimbabwe had little to do with Marxism or Socialism or Capitalism. It has everything to do with personal power and personal wealth.

He was never able to achieve his ambition of a *de jure* one-party state. He was opposed on this matter by Edgar Tekere who called for any one-party state to be achieved only at the polls (Chan 2003:42) and the end of corruption. Tekere formed the ZUM to opposed Mugabe in the 1990 general election.²⁸ It was agreed at the December 1989 ZANU-PF congress that a mandate for a one party state would not be sought in the 1990 elections. Julius Nyerere of Tanzania warned that a one party state could not be an indefinite institution in Africa. (Chan 2003:51) and within Zimbabwe the by 1990 the government controlled press (by 1990 there were no opposition papers as such in Zimbabwe) published lengthy articles calling into question the viability of a one party state. (Chan 2003:51)

THE BUREAUCRACY

As in the case of Zaire, the government quickly became the place to reward and appoint PEPs. A Minister made a public announcement that ‘Civil servants who do not support the principles of the ruling political party should not continue to work for the government’ and yet another “If any civil servant says, ‘I work for the government and not the party’ I will see that he is removed from Manciland.[the minister’s constituency].” Mugabe advised that any government employee who votes against the government would be fired.²⁹ In 1990 the government circulated leaflets to the effect that all civil servants should be members of the ruling party. (Chan 2003:51).

Zimbabwe had, measured as a percentage of the population, the largest standing army on the African continent, for which it had no use, since it was not under threat. The number of ministers as a proportion

28 The ZUM did not have much success in the 1990 election. A few days before the election its organising secretary Patrick Kombayi and Jerry Nyambuya, its election director were both shot and in the face of intimidation five parliamentary candidates withdrew. Chan (2003:47)

29 Meredith (2001:91)

of the population, was also the largest in the world (Smith 2001: 393).³⁰

PEPS in state corporations or parastatals

State enterprises or corporations or parastatals are an interesting case. In terms of the theory of privatisation, these should be returned to the private sector. PEPs can profit from so-doing for example if they award themselves shares in the privatised entity. They could thus continue to be enriched via the privatised company which they now own, usually the majority shareholding and if not a sufficient quantity to make them very wealthy indeed. So privatisation is not inconsistent with the idea of a kleptocracy. This then becomes a case of plucking the golden goose rather than killing it. On the other hand, PEPs can be enriched by being appointed to state corporations and benefiting from such appointment. Once PEPs are appointed they may of course resist any suggestion that the entity be privatised, since their positions may be threatened.

The position of state enterprises is summarised by Meredith (2002:98) as follows:

“The toll on state-owned enterprises, all staffed by Zanu-PF appointees [PEPs], was especially severe. One by one the national airline, the railways, the National Oil Company, the Grain Marketing Board, the Zimbabwe Electricity Corporation, the National Social Security Authority and the District Development Fund were all hit by gross mismanagement, rampant graft, and outright theft. ‘The rate at which Government and its parastatals, financial institutions and industrial concerns are being defrauded of millions of dollars is indeed alarming,’ the minister of home affairs admitted in July 1993. Yet year after year the looting continued uninterrupted, bringing them ever closer to bankruptcy.”

State corporations and state funds were looted by PEPs. For example, a fund was set up to compensate the victims of the war. This fund was so thoroughly looted, that there was nothing left for genuine war victims. An official enquiry was launched into the scandal which named prominent politicians, including cabinet ministers. No action was taken against the perpetrators.³¹

PEPs in business

It was quickly realised that the route to wealth was through membership to the Zanu-PF, in short wealth was reserved for the ranks of PEPs as pointed out by Phillip Chiyangwa, one of Mugabe’s proteges, ‘I

30 The bloated civil service caused the President of the Federation of Industries to call for a 50% reduction in the number of ministers.

31 Meredith (2001:17)

am rich because I belong to Zanu-PF.³²

Examples of PEPs enriching themselves are legion. General Solomon Mujuru, in 1978 quelled an internal revolt aimed at toppling Mugabe. In the new government he was appointed as army commander and made a personal fortune from defence contracts, in particular the Brazilian Arms Deal. In 1985, five years after black majority rule, he acquired two adjacent farms, a hotel, a supermarket chain and an official residence in the wealthy suburb of Borrowingdale, in addition to his farm east of Harare. By the time he resigned in 1992 he had become one of the wealthiest individuals in Zimbabwe. This was all achieved over a twelve year period.³³

Probably the most well-known businessman was Roger Boko. He started to accumulate wealth when in 1980 he was awarded the government contract to supply stationery to schools through out the country. He migrated to mining with a joint venture with the Russian firm, Siberian Associates. In 1995 contrary to the ruling made by the banking regulator he was awarded a banking licence and helped him launch his bank, the United Merchant Bank. The government channelled its business and state corporations such as the Cold Storage Company to his bank. His anti-white views were well-known because of the hundreds of pages of advertisements in the local press. He liked to be known as the champion of black economic empowerment (ie what he called indigenisation). In 1997 he ventured into tobacco when he launched a tobacco auction floor. His empire collapsed during the early part of 1998. Subsequently it was discovered that he had fraudulently issued Z\$945 m (U\$50m) Cold Storage Company Bills; he had siphoned off U\$21 m to his off shore accounts. He claimed that he had advanced Z\$ 2.8 bn to government ministers and other politicians which had never been repaid. In June 1998 with the connivance of the government he fled to the United States where he had a mansion but returned to Harare for a period of six weeks without been arrested. He died in 1999 without ever facing prosecution.³⁴

The War Veterans

The position of the so-called War Veterans deserves a more inclusive comment.³⁵

Like all rulers whose authority rests on power - they fear power. Seventeen years after the management

32 Meredith (2001:17)

33 Meredith (2001:82)

34 Meredith (2002: 102-105)

35 For a more comprehensive study of the role of the guerillas see Kriger, Norma (2003) *Guerrilla Veterans in Post-War Zimbabwe Symbolic and Violent Politics 1980-1987* Cambridge University Press

of the country was entrusted to a black government to so-called War Veterans demanded compensation for their contribution to Mugabe's appointment. It is not at all clear why it took so long for this demand to be made. Probably they had grown tired of waiting while watching PEPs living a opulent life of luxury while they faced financial hardship in a failed economy.³⁶ They demanded to see Mugabe face to face. He panicked and agreed to pay each of them Z\$50 000 and a monthly pension of Z\$2 000 per month with special consideration being given to hardship cases.

Even in this endeavour the PEPs could not resist enriching themselves. It was discovered that one recipient had received a payment of Z\$822 668 for no obvious reason. He was fully employed in a highly paid diplomatic post. The answer to the riddle became clear once it was realised that the person was the brother of Mugabe's wife. (Smith 2001:417)

A crony tax

The cost of paying off the War Veterans ran into billions of dollars, which by now the bankrupt government did not have. It could no longer borrow money, debt repayments now constituted 70% of the national budget. The Bretton Woods institutions would not make any further advances without clear commitment to good corporate government. It would be very difficult to fund it via an increase in income tax, already standing at 50% or corporate taxes standing at 42,5%. So Mugabe decided to increase the sales tax. This was a crony tax in the world, a tax levied on the general population for the specific purpose of paying a pension to the rank and file of the ruling political party. The population revolted and Zimbabwe was plunged into a crisis from which it is still to emerge. In this sense Zimbabwe joins a long list of famous revolts which were triggered by tax revolt.³⁷

Money supply

The bankrupt Zimbabwe, having destroyed the private sector, used up its international credit was left with the option of printing money, which it did. Inflation soared to 600% currently the highest in the world.

The land grab

So what could Mugabe do? He played his last card, the race card - one he had pulled out every now and

36 Peaceful protests were launched by the Civil Service employees on 1996; Food riots had broken out in Harare in January 1998.

37 The English Civil War, the American Revolutionary War and the French Revolution.

then over the past 20 years as things go tough. He offered the land of the white farmers to his followers and encouraged his thugs to invade and where necessary assault and kill the farmers if they resisted.

As in the case of the payout from the War Veterans' fund it did not take long for the politically empowered to see an opportunity to enrich themselves and there was been a wild scramble by these to grab the best farms for themselves. And once again the Mugabe's lead the charge as Campbell (2003:146) points out:

The story of the move of the President's wife to personally claim the Iron Mask farm and house was but the most recent story of the obscene land grabbing by the present military, police, security and political rulers in Zimbabwe. The fact that the First Lady had to go to the farm personally to acquire the farm was but one indication of the depth of competition to seize farms by the hierarchy of the party. The competition was so fierce that the First Lady could not trust operatives of the government to seize the farm on her behalf.

Mugabe who is secretive about his acquisitions was reported to have acquired one of the largest and most productive farms in Moshonaland, near his rural home in Zvimba.³⁸

Of course the economic consequences were a disaster. One does not need to be a world famous economic historian to know that for over a century the population move has been from land to the cities not from the cities to the land. The idea that Zimbabwe will be the exception and the ever increasingly deserted land will be repopulated and economically farmed will simply not happen.³⁹ So the land will be deserted by the new occupiers and indeed reports of this happening are already trickling in. Successful small scale peasant farming will not take place and no one will trust that the government will not again attack private property, so private commercial farming will cease. The government emboldened by its land grab, will see no reason why it should not grab other property as well. There are already reports that the government will attach the business of those it suspects sympathies with workers who stay away on strikes. Thus private property, generally is not safe, and thus no rationale person will invest in Zimbabwe.

As in the case of the Congo, the best option for the young Zimbabwean's is to emigrate.

38 Bernard Mandizvidza 'Mugabe said to have acquired massive farm - free of charge', *Star* June 15, 1999.

39 Zimbabwe in any event had a programme for a very long time to assist black farmers to re-occupy the land. Extensive provision existed for the financing of these farmers. This programme was continued by the Mugabe government but was a failure.

There is of course now a link between Zimbabwe and the DRC. Zimbabwe sent its army to assist Kabila I. It however suffered a major military defeat at Pweto, an event believed to be the reason for the assassination of Kabila I. There is however a connection between Zimbabwe and the DRC.

ELECTIONS

Dealing with opposition, murder, violence et al

Having political power in a kleptocratic society, leads in addition to power, to great personal wealth and the trappings that go therewith. Not having such power, in poverty stricken country, means poverty. The rewards of office are far different than encountered in more mature democracies. It is clear that in Zimbabwe, the protagonists thought that if political supremacy could be achieved and maintained by murder; then so be it. Even before the advent of universal suffrage, the guerrilla movements were plagued by internal strife and murder as the various leaders vied for power. In 1975 Herbert Chitepo the leader of ZANU was assassinated in Lusaka as a result of internal feuds. After his murder, Mugabe emerged as a leader. In 1977 ZIPRA's Jason Mayo was killed by letter bomb in Lusaka. Shortly thereafter an attempt was made on the life of Mangena. Four ZAPU members were tried before a military court, convicted and executed. However this did not prevent the murder of Mangena who was assassinated in mid - 1977, leaving Joshua Nkomo once again firmly in control.

During this time resentment built-up amongst the guerrilla's in the field against the comfortable lifestyle enjoyed by the leaders in Zambia, while the guerillas in the field suffered from inadequate supplies.

Mugabe is implicated in the death of Josiah Tongogara on the 26th December 1979,⁴⁰ who many had tipped over Mugabe, to be the first head of state.

Kruger's (2003:15) view is correct that '[s]cholars of all disciplines need to liberate the study of transitions from its evaluative straightjacket and to generate new paradigms the encourage analysis that is more grounded in the study of history and power.' To divide the history of the Zimbabwean conflict into two separate compartments, those of pre- and post-universal suffrage, is to miss the point. The struggle for power, which existed within and between the two guerrilla parties before universal suffrage, continued afterwards. Kriger (2003:15) again correctly sums up the situation. 'The bloodshed of these years [first seven post-independence years] cannot be divorced from the bloody fighting between the two

40 Mark Olden 'The guerrilla whose death still haunts Zimbabwe - Robert Mugabe has been implicated in the death of Josiah Tongogara, the man most thought would be Zimbabwe's first head of state' *Sunday Times* April 18, 2004. Smith (2001:344-5).

guerrilla armies [which existed] during the liberation struggle.’ After independence the fight was however a very one sided fight with Mugabe now being in control of the ordinances of the Rhodesian army.

Ian Smith recognised the importance of the tribal chiefs, the traditional form of government. They too came under attack. Smith (2001 :69) recounts what happened after the death of the Matabele Chief (who died of natural causes). He was replaced by Chief Chirau who was:

‘a strong man who was not prepared to allow the post-1980 black government to deflect him from his beliefs and principles. He died suddenly while in his prime, from what the [Mugabe] government reported to be natural causes, but his family and friends assured me that they were very unnatural. An aggravating factor was that the new PM, Robert Mugabe, was born and educated and grew up in Chirau’s country, and as a tribesman from that area traditionally owed special allegiance to Chief Chirau.’

Zimbabwe is a country with ethnic differences. There are two predominate tribes, the Shona in the east and the Ndebele in Matabelelands in the west. The Ndebele, of Zulu ancestry, migrated from Natal to Zimbabwe and comprise some 20% of the population. Mugabe comes from the majority Shona tribe in the east. The two guerrilla insurgents roughly followed the same groupings, ZIPRA came from the Matabelelands and ZANLA from Mugabe’s east. After taking over Mugabe began appointing his fellow tribesmen to senior positions in the Matabelelands which caused understandable unhappiness in the Matabelelands.⁴¹

Chan (2003:29) notes that ‘throughout 1982, the government purged the Zimbabwe National Army. ZIPRA personnel were transferred, demoted or simply killed.’ He let, as noted by Chan (2003:31), ‘Shona soldiers ... loose upon Matabeleland - and the Fifth Brigade was entirely stripped of Ndebele membership’ who slaughtered between 5000 to 30 000 Ndebele. This massacre hardly received any publicity at the time⁴² demonstrating once again the ability of post-independence African leaders to embark on campaigns of mass murder without attracting any public attention or censure. It was many years later thanks to international pressure, an official report on the Matabelelands massacre was

41 Smith (2001:382)

42 The massacre receives only a cursory mention in Ian Smith’s book *Bitter Harvest* at page 382; Chan (2003: 25) notes, ‘Its content [that of the African model of murdering opposition members] was indeed visited upon the Matabelelands in the west of Zimbabwe, throughout the 1980s. If not scant protest, such protests as emerged in the west or the region was understated in the extreme.’

prepared - but has yet to be released.⁴³ When, at the time the limited public outcry forced him to stop the killings, he resorted to other methods, including starving to death some of the population.⁴⁴

Violence and murder continued to be the method of choice to deal with the Movement for Democratic Change (MDC).

Conclusion

An examination of the post-independence economic history of these two countries makes it clear that the economic issues have not been about capitalism and socialism. There was no nationalization of private property in the socialist sense of the word, there has been no privatisation, in the sense of transferring the productive use of property in an exchange economy to private owners. There has however been the mass transfer of state and private property to a handful of PEPs.

Although at this stage only two African countries have been examined, it is suggested that a similar picture will emerge when other African countries are looked at.

Can convincing reasons be suggested why universal suffrage has worked in many parts of the world but not Africa? The simplest explanation of what has happened in Africa conforms to the general participle laid down by Lord Acton (1895) *Lectures on Modern History*

‘This law of modern world, that power tends to expand indefinitely, and will transcend all barriers, abroad and at home, until met by a more superior power.’

The simple explanation is that PEP enriched themselves because they had the power to do so. In this the PEP acted as perfectly rational economic agents. They had the power to enrich themselves and they did so.

As pointed out above capitalism and socialism were not part of Africa’s history. The same is true of governments based on universal suffrage. These systems developed over centuries and with them came constraints forged by wars and revolutions. Indeed when first universal suffrage was first mooted the

43 The Catholic Commission for Justice and Peace (CCJP) did however prepare reports on the massacres. See Thabo Kunene ‘Massacre victims snub compensation - Poor people reject ‘blood money’ offered by Mugabe to survivors of the Fifth Brigade killings in Matabeleland’ *Star* July 7, 1999. Chan (2003:33), ‘No official report was released about the actions and atrocities in Matabelelands.’ Chan (2003:98)

44 Smith (2001:382), ‘Because of world interest and reaction, which continued only for a brief period

possibility of ‘tyranny of the majority’ was realised and constraints were imposed which took centuries to be relaxed. For example initially there was a division of real power⁴⁵ with a powerful hereditary king and opposed by powerful hereditary Lords each with their own armies. These for example played a vital role in forcing King John to sign the Magna Carta. Even with the establishment of the Commons, initially the cabinet was drawn from the Lords and not the Commons. Thereafter, slowly to the modern idea of a Prime Minister evolved and the supremacy of the Commons evolved. In Europe, the armies of Napoleon were constrained by other armies. In America the practice of routine change of government evolved very early in the democratic process, with the change from the Federalist Government to Republican and as these developed. The independence of the judiciary and its constraint on government was probably helped along with the controversial judicial appointments made by President John Adams in the final hours of office as president. A free press in the control of private hands developed to add yet another constraint on political power. The modern democracy with this uncodified, customs, checks and balances took centuries to evolve - and even today it as Hitler demonstrated - rests on fragile foundations. Edmund Burke explained the importance of the slow evolutionary process in maintaining stability. This evolutionary approach formed the cornerstone of political philosophy in Europe, ever aware of the dangers of very rapid change.

Thus all these historical and institutional constraints which exist in older democracies are absent in Africa. Power was transferred to majorities without these constraints. Once this happened, Lord Acton’s other general principle operated, “Power corrupts and absolute power corrupts absolutely.”

45 By real division of power I mean army against army, not the paper divisions found nowadays in constitutions.
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