



# **THE MORTAL REMAINS: SUCCESSION AND THE ZANU PF BODY POLITIC**

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## Foreword\*

The somewhat provocative title of this report conceals an extremely serious issue with Zimbabwean politics. The theme of succession, both of the State Presidency and the leadership of ZANU PF, increasingly bedevils all matters relating to the political stability of Zimbabwe and any form of transition to democracy.

The constitutional issues related to the death (or infirmity) of the President have been dealt with in several reports by the Research and Advocacy Unit (RAU). If ZANU PF is to select the nominee to replace Robert Mugabe, as the state constitution presently requires, several problems need to be considered. The ZANU PF nominee ought to be selected in terms of the ZANU PF constitution. In order to understand this process the structure of ZANU PF is outlined in the paper, together with the powers, duties, and responsibilities of each component. Of particular importance are the powers relating to internal elections. It is evident that there are a number of grey areas in respect of election to the office of any of the four posts in the ZANU PF Presidium, including the post of President and First Secretary. The clarity of the procedures leaves much to be desired and is a fertile area for dispute. In the past, the practice has diverged widely from the requirements of the party constitution.

With an understanding of the applicable provisions, rules, and the powers of the various structures within ZANU PF, the question of election to the Presidium is analysed, and the important role of the Provincial Coordinating Committees [PCCs] is described. The ZANU PF Constitution stipulates that any candidate receiving nomination by six or more of the ten Provinces will be directly “*elected*” to the Presidium, by the National People’s Congress. It is unclear what happens if the Congress refuses to “*elect*” the nominee(s) chosen by the PCCs. It is also unclear what happens in the event of multiple nominations and splits between the PCCs.

The difficulties become amplified considering that the ZANU PF constitutional and electoral machinery must conclude its processes within the 90 day time frame required by the State Constitution.

Although the national succession problem has yet to occur, there have been problems of succession within ZANU PF over the years, and these are analysed with respect to the ZANU PF Constitution, especially the events related to deaths of previous members of the Presidium – that of Joshua Nkomo in 1999, Simon Muzenda in 2003, Joseph Msika in 2009, and John Nkomo in 2013. The manner in which the replacements to posts in the Presidium have been made is considered as a possible indicator as to what might happen when the next vacancy arises. As the report shows, each of these deaths lead to considerable internal conflict over succession, and, following the death of Simon Muzenda, to the remarkable events of the “Tsholotsho Declaration” in 2004. The consequence of all of these events has led to an increased centralisation of power in the hands of the Politburo, and the marginalisation of the democratic core of the ZANU PF Constitution.

The paper shows that nominations to the ZANU PF Presidium have, to date, been determined, in the face of considerable resistance, by a process of “guided democracy” on instructions issued by a Politburo controlled by Mugabe. The question thus arises as to what will happen when the post to be filled is that of the “guide” – Robert Mugabe himself. Several scenarios suggest themselves, based on the previous manifestations of ZANU PF “internal democratic” practice.

The first is that the “Mnangagwa-faction” may seek to reinvigorate, activate and enforce the democratic processes in the ZANU PF Constitution. These very processes have been altered significantly by Mugabe, who moved a constitutional amendment to change the Provincial Electoral

Colleges from the 44 member Provincial Executive Committee to the 100 plus Provincial Coordinating Committees to facilitate Vice-President Joice Mujuru's ascendancy. Ironically it is possible that Joice Mujuru now is in the ascendancy in the former but not the latter body. But as noted, this juristic approach may fail in the face of disputes concerning the composition of the PCCs. The costs and logistical difficulties of bringing such a large number of delegates together should the body be required to convene on short notice may also present difficulties. Following nominations by the PCCs, the elaborate process of endorsement by the National People's Conference and "election" by Congress may need to take place. All will need to be completed within the 90 day timeframe set by the State Constitution.

In view of these difficulties, a second scenario may arise where the Central Committee exercises its power to amend the ZANU PF Constitution and establishes an expedited method of nomination.

Thirdly, the Mujuru-dominated Politburo may continue to arrogate to itself powers it does not have, as it has done under Mugabe, and, taking advantage of Mujuru's likely interregnum incumbency at State and possibly party level, direct the nomination procedure. In these latter two instances (that of the Central Committee or Politburo assuming control) none of these bodies is likely to speak with one voice and the process may be susceptible to legal challenge or, worse, extra juridical conflict. This is not to suggest that only the "Mujuru faction" is capable of ignoring the party constitution. A May 2014 report that military leaders were directing Mugabe to cancel ZANU PF's December 2014 Congress so that securocrats could manage the smooth transition of Emmerson Mnangagwa into power, is unlikely to have struck many readers as beyond the bounds of possibility.

Despite claims from ZANU PF functionaries that the ZANU PF Constitution contains clear succession procedures, past experience suggests the distinct possibility of intra-party conflict upon Robert Mugabe's demise which will affect the nation as a whole. This is probably something of which President Mugabe is all too aware. It is thus likely that he make seek to guide the process of his succession while he is still able. His difficulty is to do so without the party tearing itself apart in the process.

\* Report was written by Derek Matyszak, Senior Researcher (RAU)

## Succession and the Constitution

Zimbabwean President, Robert Mugabe, turned 90 in February 2013. Although he and Party officials insist that he is “as fit as a fiddle”,<sup>1</sup> it is unlikely that he is immune from the health problems which accompany any nonagenarian. Frequent, and often seemingly urgent, trips to Singapore for specialised medical treatment in 2011, 2012, 2013 and 2014 suggest that Mugabe’s current<sup>2</sup> spell of reasonably good health is precarious at best. Various articles<sup>3</sup> have been written outlining some of the legal and political implications which might arise if Mugabe were to suddenly “depart the stage”<sup>4</sup>, or become too ill to perform his duties. The last of these addressed the contradictions and legal quagmire caused by the provisions in the previous constitution which established the Inclusive Government (2009 – 2013). With the adoption of a new constitution for the country on 22<sup>nd</sup> May, 2013, the issue of what happens in the event of Mugabe’s sudden departure from office is differently governed. This paper thus updates previous analyses to take these new provisions and various recent pertinent events into account.

### The New Constitution

Given President Mugabe’s age and alleged frailty, the manner in which succession to the presidency was to be determined was a key issue in the inter-party negotiations during the Inclusive Government which led to a new constitution for the country. The sensitivity of the subject is reflected in the fact that early drafts did not address the matter at all, indicating that the question had been “parked” for future discussion. Significantly, none of the proposals that emerged in this regard during the course of the negotiations suggested that there should be a return to the electorate in the event of the president’s demise.

Section 92(2) of the new Constitution provides that:

*Every candidate for election as President must nominate two persons to stand for election jointly with him or her as Vice-Presidents, and must designate one of those persons as his or her candidate for first Vice-President and the other as his or her candidate for second Vice-President.*

Section 101(1) then stipulates:

*If the President dies, resigns or is removed from office—*  
*(a) the first Vice-President assumes office as President until the expiry of the former President’s term of office;*  
*(b) ...*

Section 100(1), to the following effect, is also of relevance:

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<sup>1</sup>See *Robert Mugabe 'fit as a fiddle' as he jets into Zimbabwe after Health Rumours* The Telegraph 12.04.12 and his statement to this effect (while admitting to problems with his left knee and cataracts) in an interview aired on ZTV marking his 90<sup>th</sup> birthday – the transcript appearing in the Herald of 22.02.14 *et seq* under the heading ‘*Desire to Serve the Country Drives Me*’.

<sup>2</sup> The time of writing is June 2014. Mugabe has complained, however, of problems with his eyes and knee see fn immediately above.

<sup>3</sup>Matyszak, D (2010), *Drop Dead Beautiful? Legal Notes on Death and the President*. September 2010. HARARE: RESEARCH & ADVOCACY UNIT; Matyszak, D (2012), *APRÈS MOI LE DÉLUGE: SUCCESSION AND THE ZANU PF PARTY CONSTITUTION*. July 2012. HARARE: RESEARCH & ADVOCACY UNIT.  
available at [<http://www.researchandadvocacyunit.org>.]

<sup>4</sup> The euphemism is that favoured by the former US Ambassador to Zimbabwe, Christopher Dell – see Wikileaks cable 04Harare1914.

*Whenever the President is absent from Zimbabwe or is unable to exercise his or her official functions through illness or any other cause, those functions must be assumed and exercised—  
(a) by the first Vice-President;*

Before continuing, it is necessary to insert a caveat here for any reader who does not proceed further: the above provisions are not yet in effect and do not currently govern the succession issue.

## **The genealogy of the provisions**

The genealogy of these provisions is of some interest, particularly to students of ZANUPF. The first draft of the constitution which became publicly, if unofficially, available contained no specific clause relating to the death of a sitting president and anomalously, while it mentioned that the president “*may resign by giving notice to the speaker [of Parliament]*”, gave no indication as to the procedure to be followed in the event of such resignation.<sup>5</sup> However, a “final draft consolidated constitution” appearing four months later, in mid-July 2013, introduced the idea of “presidential running mates”. Each presidential candidate in an election was to nominate two persons to stand for election jointly with him or her as his or her Vice-Presidents, and had to designate one of those persons as his or her candidate for first Vice-President, and the other as his or her candidate for second Vice-President. In the event of the resignation, removal from office, or death of the President, the first Vice-President would assume office as President for the remainder of the former President’s term of office.<sup>6</sup>

In the context of ZANU PF’s succession politics this proposed clause was quite remarkable. It led to considerable political gossip and speculation as to how it had come to be included in the draft. The effect of the provision would have been to grant President Mugabe the power to determine his potential successor and compel him to do so ahead of the election. The ZANU PF Constitution contains no provisions to deal with the contingency of Vice-Presidential running mates, though certainly there would be those within the party who might argue that existing provisions for the appointment of party Vice-Presidents should stand as the provisions to select nominees for national Vice-Presidential candidates.<sup>7</sup> This then would leave the sole incumbent Vice-President, Joice Mujuru, (there presently being no second Vice-President, John Nkomo having died in January, 2013) in pole position. The adoption of this clause would have been interpreted as an agreement within ZANU PF, or determination by Robert Mugabe, that Joice Mujuru should succeed him as President upon his death or resignation. As such the clause is not likely to have found much favour with those aligned to the other reported pretender to the presidency (see below), Emmerson Mnangagwa.

The grave risk this clause posed to ZANU PF was the possibility that the selection of Joice Mujuru as President Mugabe’s running-mate would result in Mugabe being de-campaigned by members of his own party in the impending 2013 general election. Such de-campaiging under the moniker “*Bhora Musango*” (see below) was believed to have been at least partly responsible for Mugabe’s loss in the first round of the 2008 elections. Since it was clear that in whatever way the clause pertaining to succession was drafted, it would not involve a new presidential poll and would retain the presidency within the party, it was imperative for all coveting the highest political office of the land, not to jeopardise a ZANU PF victory.

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<sup>5</sup> Section 6.9. Had the Constitution remained in this form, one would have been left to assume that the provision relating to the President being unable to exercise his official functions for “any other cause” would have applied in the event of the death of the President – i.e. that the Vice-President would take over. However, this left a gap as to whether elections then had to follow, how long the person assuming office could so act and the problem that a person acting as President in terms of this clause would not have plenary presidential powers.

<sup>6</sup> Section 5.14 of this draft.

<sup>7</sup> The party Vice-Presidents have always been appointed as national Vice-Presidents - see below in the text.

Accordingly, when this “final draft” of the proposed constitution was placed before ZANU PF’s powerful Politburo (see below) for consideration, the fate of the proposed succession clause was watched with considerable interest. The Politburo, partly due to a 2012 decision to dissolve the District Co-ordinating Committees – party structures believed to be aligned to Emmerson Mnangagwa – is thought to be dominated by those in the Mujuru camp.

In the event, the Politburo expressed extreme dissatisfaction with the draft constitution and demanded a raft of changes, which included the proposed succession clause. Instead of running mates, Vice-Presidents would, as under the then extant Constitution, be chosen by the President. Succession, the Politburo held, should be governed by the following provision:

*In the event that the President dies, or resigns or is incapacitated, one of the Vice-Presidents nominated by the party of the former President shall take over immediately and in any event not later than 48 hours, as the President for the remaining tenure of the former President.*<sup>8</sup>

This formulation dealt with the possibility of another *Bhora Musango* campaign, while leaving Joice Mujuru ahead in the succession race. To the extent that the door was left open to Emmerson Mnangagwa, entry into the race would have been by securing (in the face of precedent favouring other candidates ) the vacant position of Vice-President within the party (and state). The realisation of this possibility was strengthened by removing presidential discretion to appoint only one of the two permissible Vice-Presidents.<sup>9</sup>

### The presently effective law

As it transpired, the final version of the proposed constitution agreed to by the three main political parties accommodated the Politburo’s concerns. A special provision, tailor made to ZANU PF’s requirements<sup>10</sup> in anticipation of Robert Mugabe remaining President after the 2013 election, was introduced into the Sixth Schedule of the Constitution. Part Four of this Schedule deals with “transitional” issues, and the succession question is included as such an issue. The “running-mates” clauses for the positions of Vice-Presidents, and the succession clause set out in sections 92(1) and 101(1) of the Constitution respectively are suspended for a period of ten years.<sup>11</sup> For the duration of this period the *status quo ante*<sup>12</sup> under the Inclusive Government is more or less retained. Vice-Presidents are to be appointed by the President, who retains the discretion as to whether to appoint one or two, and, on the death or retirement of the President:

*the vacancy in the office of President must be filled by a nominee of the political<sup>13</sup> party which the President represented when he or she stood for election.*<sup>14</sup>

<sup>8</sup> Section 5.11 of *The Draft Constitution of Zimbabwe 18 July 2012 Incorporating Approved ZANU PF Amendments* Veritas August 2012.

<sup>9</sup> Section 5.6(1) of the ZANU PF proposed amendments. The format of the paragraphing is as given.

<sup>10</sup> The Constitution had also been tailor made to ZANU PF’s requirements by allowing Mugabe to stand again for office notwithstanding the fact that he was outside a two-term limit placed upon candidates. This was accomplished under the guise of an (inapt) interpretation of the principle that laws should not have ‘retroactive’ effect and by drafting the Constitution to make the bar only applicable to those elected president under the new constitution.

<sup>11</sup> Paragraph 14(1) of Part Four of the Sixth Schedule to the Constitution. The maximum legally permissible period for which the incumbent might be president in view of the two-term limit introduced by the new Constitution – section 91(2).

<sup>12</sup> Contrast this with the provision in the new Constitution (cited immediately below in the text) with that under the Inclusive Government: *In the event of any vacancy arising in respect of posts referred to in clauses 20.1.6 [the executive] ....such vacancy shall be filled by a nominee of the Party which held that position prior to the vacancy arising* (Section 201.10 of Schedule Eight to that Constitution).

<sup>13</sup> The phrase “filled by a nominee of the political Party” is unfitting. The use of the preposition “of” renders the intention unclear. Is the phrase to mean that the nomination must be made “by” the party which held the position? – which would

The party must notify the Speaker of the National Assembly of its chosen nominee with 90 days whereupon the nominee assumes office after taking the oath of office, which must be done within 48 hours.<sup>15</sup> In the interregnum period the Vice-President who last was appointed Acting-President on account of the President's absence or ill-disposition, again assumes this role<sup>16</sup> - affording considerable tactical advantage to the incumbent as a candidate for the presidency.

Since President Mugabe cannot stand for office after this ten year period, other considerations aside, on account of the two-five-year-term limit, the provision immediately above is the one which will determine the position should he die or retire while in office.<sup>17</sup>

### Problems with the provisions

One central difficulty with the way in which the succession provisions have been formulated is that the Constitution is silent as to whom the Speaker should regard as authorised to submit the nomination on behalf of ZANU PF. In normal circumstances, a party president is assumed as having plenary authority to represent the party. Consider the problem that would arise if Mugabe retired as state President during his term of office but not as party President, and submitted the name of a nominee to replace him to the Speaker. The question would arise as to whether the Speaker would be obliged to determine if, in terms of the ZANU PF Party Constitution, Mugabe has authority to do so. Alternatively would a failure to follow ZANU PF's own internal rules negate the legitimacy of a nomination by an authority the Speaker is entitled to treat as actually authorised to make such a nomination.

One might usefully compare the constitutional provisions in this regard with the procedure for nominating candidates for parliamentary elections.<sup>18</sup> A nominee must fulfil certain conditions, such as being a registered voter, have his or her nomination form signed by five other registered voters, and, where the candidate purports to represent a political party, have the nomination signed by two designated office bearers of the party. A nomination court may inquire into whether the nominee is in fact authorised to represent a political party as claimed, determines whether all formalities have been met and whether the nominee has the qualifications to stand as a candidate. The question thus arises whether the Speaker of Parliament is expected to carry out the functions similar to those of a nomination court in respect of a nominee submitted by ZANU PF as President. Should the Speaker judge the eligibility of the nominee submitted by ZANU PF and have the duty to ascertain that the nominee is the true and duly appointed candidate of the party?

Other difficulties are conceivable. For example, in the event of Mugabe's death while in office, Vice-President Mujuru, as number two in the ZANU PF Presidium, may claim the authority to nominate herself as *de facto* acting ZANU PF President. Similarly, an intractable problem may arise if a section of the party believes that the nominee has been submitted in defiance of party protocol, and the

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then mean that the nominee could, in theory at least, be a member of a different or no party. Or is the phrase to mean that the nominee must be "from" (i.e. belong to) the party which held the position? – which would then mean that the nomination need not be by ZANU PF as a party but that any person or entity (including the MDC) could suggest a ZANU PF nominee for the post. This latter interpretation, which existed under the Constitution governing the Inclusive Government is disambiguated by subparagraph 14(5) which provides that *the political party which is entitled to nominate a person in terms of subparagraph that (4)(b) must notify the Speaker of the nominee's name within ninety days after the vacancy occurred...*

<sup>14</sup> Paragraph 14(4)(b) of Part Four of the Sixth schedule to the Constitution.

<sup>15</sup> Paragraph 14(5) of Part Four of the Sixth schedule to the Constitution.

<sup>16</sup> Paragraph 14(4)(b) and 14(5) of Part Four of the Sixth schedule to the Constitution.

<sup>17</sup> Unless of course they are amended before this. The two-term limit, however, is, so far as President Mugabe is affected by it, doubly entrenched and cannot be amended, without a referendum – sections 328(7) and 328(9).

<sup>18</sup> See section 46 of the Electoral Act [Chapter 02:13].

nominee, presumably, at the least, complicit in the perceived breach, is expelled from the Party as a result. The nominee could then be considered to be no longer “of” ZANU PF, thus breaching this constitutional requirement. The issue would be even more complex if the expulsion took place after the Speaker had already accepted the notification. Would the Speaker then have the unenviable task of determining the legitimacy of the expulsion? Only the National Disciplinary Committee of the Central Committee has the power to expel a member from the Party.<sup>19</sup>

This Committee comprises the National Chairman and four other members of the Central Committee appointed by the “Presidency”.<sup>20</sup> It is unclear whether the Committee is appointed on an *ad hoc* basis for each case to be determined, or whether it is a standing committee, appointed after the selection of the Central Committee.<sup>21</sup> In any event, if the National Disciplinary Committee must be appointed in the absence of the President, one of the Vice Presidents will deputise for this purpose.<sup>22</sup> The situation could thus arise where Vice-President Mujuru herself would have had to convene the Disciplinary Committee that is to determine her expulsion. It is evident that this will result in a very complex legal problem.

The national Constitution itself presents no answer to these possible conundrums. There are no provisions for dispute resolution as existed under the previous state Constitution.<sup>23</sup> The problems may be averted, however, if the ZANU PF Constitution contains clear provisions which will ensure that these difficulties do not arise.

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<sup>19</sup>Section 77 of the ZANU PF Constitution.

<sup>20</sup> The use of the word “presidency” meaning “the office of the president” leaves it uncertain whether the intention is that the appointments are made by the President or Presidium.

<sup>21</sup> See below.

<sup>22</sup>Section 43(1) of the ZANU PF Constitution. Which of the two is not specified. Thus it would be difficult to resolve a situation where each of the two Vice-Presidents were contenders for the post of President, and the nomination of one was sent to the Speaker of Parliament against what some deemed the wishes of the Party.

<sup>23</sup> Section 28(3)(b) of the old Constitution as read with the Fifth Schedule of the Electoral Act [Chapter 02:13].

## The ZANU PF Party Constitution

The ZANU PF Constitution is an inordinately complex document and, in places, poorly drafted. These two factors render the selection of the ZANU PF nominee far from straight forward, as will be apparent from what follows. The ZANU PF Constitution does not contain a direct statement that the Party President must be the Party candidate for the office of State President. Although usual, it is not always the case that the head of a political party is always the candidate in State presidential elections. Term limits for the office of State President may render this impossible.<sup>24</sup> The ZANU PF Constitution addresses the matter obliquely with a requirement that ZANU PF's yearly National Peoples' Conference<sup>25</sup> declare the President of the Party as the State Presidential candidate of the Party.<sup>26</sup> The use of the word "declare" suggests that this is merely the formal announcement or public revelation of a pre-existing condition which arises from some other provision of ZANU PF's Constitution. There is, however, no such other provision. It is thus necessary to infer that the ZANU PF Party President is the Party candidate for State President. This crucial point is by no means certain, and the further question may arise as to whether this position pertains in the absence of the declaration by the National People's Conference. The National People's Conference could, however, convene in special session for this purpose.<sup>27</sup> However, the lack of clarity in this regard would come to the fore if the National People's Conference were to refuse to make the declaration as required.

If the person appointed as President of ZANU PF is automatically the ZANU PF candidate for the office of State President, the ZANU PF nominee for purposes of summary appointment under the Sixth Schedule of the State Constitution would be determined by the procedures governing the election of the new Party President. In order to understand the process by which the ZANU PF Party President is elected, it is necessary to examine the somewhat byzantine party structure of ZANU PF. Few have attempted to do so, probably because the ZANU PF Constitution is not readily available. The ZANU PF Party website sets out a version of its Constitution, simplified to the point of inaccuracy, and, oddly, does not make the entire constitution available on the site.<sup>28</sup>

### The Structure of ZANU PF

There are three main components of ZANU PF – the "Main Wing", the Women's League, and the Youth League. Each is structured in almost exactly the same way containing the elective building blocks of the Party, administrative and coordinating bodies, and consultative fora. The structure of the Main Wing is set out below.

#### a) *Elected Bodies*<sup>29</sup>

The basic unit of ZANU PF is "the Cell" (urban areas) or Village (rural areas).<sup>30</sup> Ten of the seven member cell or village committees constitute a "Branch",<sup>31</sup> thus constituting some 70 members. The Branches are grouped into "Districts" under a District Executive Committee. There are currently as many as 384 such Districts<sup>32</sup> in a single Province. These "Districts" should not be confused with the

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<sup>24</sup> Thabo Mbeki, for example, was mooted for a third term as President of the ANC Party, even though he would have been ineligible for a third term as South African State President.

<sup>25</sup> See below.

<sup>26</sup> Section 30(3) of the ZANU PF Constitution. The fact that this is merely a formality is sometimes overlooked by sections of the press see *Frail Mugabe Hangs on as Zanu PF Candidate* Daily News 30.11.11.

<sup>27</sup> Section 31(1) of the ZANU PF Constitution.

<sup>28</sup> The activist group Sokwanele has however, set out the Party structure of ZANU PF.

<sup>29</sup> At least one third of all the bodies mentioned under this head must comprise women.

<sup>30</sup> The size of each cell is determined by the Central Committee – section 137 of the ZANU PF Constitution.

<sup>31</sup> Section 136 of the ZANU PF Constitution.

<sup>32</sup> Masvingo Province. The smallest is Bulawayo with 108.

60 Districts formed in terms of the Rural District Councils Act,<sup>33</sup> referred to in ZANU PF's Constitution as "Administrative Districts."

The composition of the Cell or Village Committee is different from that of the other elected bodies. The Committee is elected by the Cell or Village<sup>34</sup> every year, and is composed of only a Chairperson, Secretary, Treasurer, Political Commissar, Secretary for Security, and two other Committee members. The number of times each Cell or Village convenes in each year is not stated.

The Branch, District, and Provincial Executive Committees<sup>35</sup> are elected and structured in a similar fashion to each other. The Central Committee determines the number of delegates from the next lowest tier to a Branch, District, or Provincial Conference convened for the purpose of electing the executive committee of each.<sup>36</sup> The ability of the Central Committee to determine the delegates who will elect the respective Executive Committees of the three tiers adulterates the democratic nature of the process and allows for the possibility of manipulation by the Central Committee. The outcome could be determined by carefully selecting delegates.

Suspensions of this kind of manipulation appear to have emerged in the fiercely contested election to fill a vacancy<sup>37</sup> for the Chairman of the Provincial Executive Committee of Mashonaland West in early 2012, when delegates from some districts were omitted.<sup>38</sup> Following strenuous objections from a faction within the Province, the Central Committee was compelled to allow delegates from all 271 Party Districts in the Province<sup>39</sup> to vote. The Central Committee also directed that the DCCs and District Executive Council members of both the Youth and Women's League be permitted to vote, in total some 4 449 people.<sup>40</sup>

In 2013, ZANU PF's Political Commissar<sup>41</sup> announced that the Provincial Executive Committees would be voted into office by all members of the next lowest tier, that is, the entire membership of each District Executive Council in the province. The process was obliged to assume that the party structures, and all District Executive Councils in particular, were properly and unequivocally in place.<sup>42</sup> This was not the case. It then became extremely difficult to determine who comprised the totality of District Executive Councils eligible to vote, and rendered the process susceptible to manipulation and

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<sup>33</sup> Section 6 of the Act [Chapter 29:13].

<sup>34</sup> The number of members is determined by the Central Committee – section 137.

<sup>35</sup> The nomenclature for the District Executive Committee is inconsistent. It is referred to as a "Committee" in Section 118 and a "Council" elsewhere in the same Article of the ZANU PF Constitution, for example in Section 120.

<sup>36</sup> Section 93 of the ZANU PF Constitution.

<sup>37</sup> Following the contested deposition of John Mafa. The issue was reported as follows: "*A provincial co-coordinating committee meeting attended by politburo members Ignatius Chombo, Webster Shamu and Nathan Shamuyarira passed a vote of no confidence on Mafa, his deputy Frank Ndambakuwa and provincial lands secretary Temba Mliswa. Shamuyarira addressed the meeting that elected Robert Sikanyika as the new provincial chairman, saying the three had lost their positions because they had reportedly misrepresented resolutions passed by the province.*" See *Mash West Squabbles Continue* The Financial Gazette 22.01.10.

<sup>38</sup> Contestations around the election of the Chairman and Provincial Executive Committee in Mashonaland West (and other provinces) have continued to the present – see below in the text.

<sup>39</sup> The number of party districts is inconsistently reported. 271 Districts were reported in the Herald of 16.01.12 (see fn immediately below) while the Herald of 27.11.13 reported 311 - see fn 45. However, the number of districts in a province is likely to be fluid and new districts created or abolished, particularly pursuant to party "restructuring exercises".

<sup>40</sup> The contest pitted politburo and "old guard" ZANU PF member Reuben Marumahoko against "young Turk" and Mnangagwa acolyte John Mafa (recently deceased, d. 03.05.14). John Mafa gained enemies after crossing swords with the party hierarchy over the Tsholotsho Principles (see below). The election was won by Mafa. – see *New System For Mash West Elections* The Herald 16.01.12.

<sup>41</sup> Webster Shamu – see *DCC's To Form Electoral Colleges* The Herald 17.10.13. Note the incorrect reference in the heading to DCCs instead of correctly, DEC's, the DCCs having been disbanded as described in the text below.

<sup>42</sup> Several reports referred to the disarray in ZANU PF party structures ahead of the 2013 elections – see *ZANU PF Structures Collapse* The Zimbabwe Independent 02.11.12.

allegation of fraud by competing factions. Recall that with each DEC comprising 44 members and there being up to 384 districts in a province, this would make for a voters roll of 16 896 members. How the membership of each on a DEC was ascertained and by whom, is not known, but the process is likely to have been controversial. This and other organisational disputes and chaos led to the repeated postponement of the polls. The practice is that the Provincial Co-ordinating Committees vet and determine the eligibility of those wishing to stand in the election, and generally act as an elections directorate.

The Executive Committees are elected every two years in the case of a Branch, every three years in the case of a District, and every four years in the case of the Province.<sup>43</sup> At these specially convened electoral conferences, the delegates will appoint 15 members of a 44 member executive<sup>44</sup> comprising:

- The Chairman (sic);<sup>45</sup>
- The Vice Chairman;
- The Secretary for Administration;
- The Secretary for Finance;
- The Secretary for Commissariat;
- The Secretary for Security;
- The Secretary for Transport and Social Welfare;
- The Secretary for Information and Publicity;
- The Secretary for Legal Affairs;
- The Secretary for Indigenisation and Economic Empowerment;
- The Secretary for Production and Labour;
- The Secretary for Health and Child Welfare;
- The Secretary for Economic Affairs;
- The Secretary for Education;
- The Secretary for Gender and Culture;
- The Secretary for Welfare of the Disabled and the Disadvantaged persons;
- The Secretary for Land Reform and Resettlement.

Vice-Secretaries are appointed for each of the secretarial positions. The remaining twelve non-portfolio positions are occupied by two other elected committee members, and, *ex officio*, the Chairperson, Vice-Chairperson, Secretary, Secretary for Finance and Secretary for Commissariat of the relevant area (Branch, District or Province) of both the Women's and Youth Leagues. Each of these Executive Committees is required to meet monthly.

The function of the first three elected structures, (the Cell, Branch, and District) is not stated, but presumably each is intended to further the objectives of the Party.<sup>46</sup> The function of the Provincial Executive Council is specifically prescribed as being the implementation of the Party decisions,

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<sup>43</sup> Several press reports have stated that Provincial Executive elections are held every three years – see *ZANU PF at War with Itself* The Financial Gazette 24.10.13 and *We're Ready To Roll – ZANU PF Election Candidates* The Herald 27.11.13.

<sup>44</sup> Section 120 of the ZANU PF Constitution states that the District Executive Committees comprise 44 members. The Herald has reported the Committees as comprising 102 members – see *We're Ready To Roll – ZANU PF Election Candidates*. (fn immediately above) in all likelihood confusing the number on the DECs with the composition of the Provincial Co-ordinating Committees – see below.

<sup>45</sup> The term Chairman is used throughout the Constitution when describing the executives of the Politburo, PCCs, PECs, DCCs and DECs. There is no Chairwoman and Vice-chairwoman of the Women's League where the terms used are Secretary for Women's Affairs and Deputy Secretary respectively. The term chairperson, however, appears elsewhere in the sections concerning the Women's League and Youth League.

<sup>46</sup> Set out in Article 2 of the ZANU PF Constitution.

directives, rules and regulations, and the organisation of public meetings and provincial rallies of the Party.<sup>47</sup>

### ***b) Administrative and Coordinating Bodies***

In addition to the elected components, a hierarchy of three bodies exists with administrative and coordinating functions. These bodies comprise partly elected and partly *ex officio* members, who may themselves be drawn from elected bodies. The *ex officio* groupings often constitute a substantial portion of the membership of each.

#### *The DCCs*

The Districts referred to above were clustered according to the Administrative District into which they fell and operated under the aegis of District Coordinating Committees (DCC), which was the lowest tier of the administrative and coordinating bodies.

In 2012, ZANU PF announced that the Central Committee had disbanded the DCCs.<sup>48</sup> However, as amendments to the ZANU PF Constitution by the Central Committee are “subject to ratification by Congress”,<sup>49</sup> this body should have continued to exist *de jure* until such ratification.<sup>50</sup> The DCCs formed part of the Congress and should thus not have been excluded from the Congress prior to ratification of their disbandment. The DCCs remain included here so that the effect of their dissolution may be noted.

The DCCs were intended to co-ordinate the activities of all the Party Districts in the Administrative District under their purview. There are currently 60 rural Administrative Districts and 29 urban.<sup>51</sup> Thus, in terms of the ZANU PF Constitution, there should have been 89 DCCs. Each DCC was “elected by such number of delegates, as may be determined by the Central Committee from time to time, from the Party Districts in each Administrative District at a Conference called for that purpose.”<sup>52</sup> The election ought to have taken place every three years. However, a large component of the DCCs comprised members who held office *ex officio*. Only 13 members were elected. The remainder of each DCC comprised:

- All members of the Central Committee from that Administrative District;
- All members of the National Consultative Assembly from that Administrative District;
- All members of the Province<sup>53</sup> from that Administrative District;
- All Party Members of Parliament from that Administrative District;
- The Chairperson of the War Veterans Association in that Administrative District;
- The Chairperson of the Zimbabwe Ex-Political Prisoners and Restrictees Association in that Administrative District;
- The Chairperson of the War Collaborators Association in that Administrative District.

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<sup>47</sup> Section 95(1) of the ZANU PF Constitution.

<sup>48</sup> *ZANU PF DCCs Disbanded* The Herald 30.06.12.

<sup>49</sup> Section 34(8) of the ZANU PF Constitution.

<sup>50</sup> ZANU PF is most likely to disregard the implications of the requirement for ratification and to proceed as if the disbandment has already been effected – see below.

<sup>51</sup> The number of districts appears in the Delimitation Report for the 2008 Elections.

<sup>52</sup> Section 116.

<sup>53</sup> This presumably means those members of the Provincial Coordinating Committee (see below) not otherwise specifically mentioned (as, for example, are Central Committee members) and would thus mean Administrative District members of the Provincial Executive Council and the Provincial Executive Members of the Women’s and Youth Leagues.

### *The PCCs*

There is also a Provincial Coordinating Committee (PCC) for each Province. It is headed by the chairperson of the Provincial Executive Council, described as the Chairman of the Province, and meets at least once every three months.<sup>54</sup>

The PCC is an extremely important body, as will be seen, and comprises:

- The Provincial Executive Council;
- Members of the Central Committee in the Province;
- Members of the National Consultative Assembly in the Province;
- The Provincial Executive Committee of the Women's League;
- The Provincial Executive Committee of the Youth League;
- Party Members of Parliament from the Province; and
- (The Chairpersons of District Coordinating Committees from the Province)

The function of the PCC is to act as the Elections Directorate of the Province, to monitor and recommend any political or development programmes and initiatives in the Province, and to foster an integrated approach to provincial issues between Party, Government, and non-governmental organisations.<sup>55</sup> Most importantly, in terms of section 32 of the party constitution, the PCCs nominate candidates for election to the ZANU PF Presidium, which heads the Central Committee, and most non-ex officio members of the Central Committee itself who comprise the majority of this body.<sup>56</sup> This power of nomination has in practice allowed the PCCs to effectively elect members of the Presidium.<sup>57</sup>

### *The Central Committee*

The Central Committee is the principal organ of the National People's Congress, a body described in the ZANU PF Constitution as "*the supreme policy-making organ of the Party*".<sup>58</sup> Since the Congress only convenes once every five years in regular session, and the Central Committee performs its policy making powers when it is not in session, it is an extremely important component of the ZANU PF structure. The Party Constitution states that the Central Committee has 245 members, but the sum of the members of the Central Committee then listed, as set out in section 32 of the ZANU PF Constitution, amounts to only 240 members. These members are as follows:

- The President and First Secretary;
- Two Vice Presidents and Second Secretaries one of whom shall be a woman;
- The National Chairman of the Party;
- 130 members nominated by the PCCs on a *pro rata* basis according to the national census figures of each province and in such a manner that each Administrative District has at least one member appointed to the Central Committee;
- The Secretary for Women's Affairs;
- The Secretary for Youth Affairs;

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<sup>54</sup>Section 83(1) of the ZANU PF Constitution.

<sup>55</sup>Section 83(2) of the ZANU PF Constitution.

<sup>56</sup> Section 32(10) of the ZANU PF Constitution.

<sup>57</sup> Though they have been "guided" in this regard – see below in the text.

<sup>58</sup>Section 21(1) of the ZANU PF Constitution.

- 34 members representing the Women's and Youth Leagues nominated by the Leagues at the National Women's and Youth Conferences (see below);
- 10 members nominated by the Presidency “on account of their outstanding contribution to either the armed liberation struggle of the country and/or its development after Independence”;
- 10 Chairpersons of the Provinces who shall be ex-officio members;
- 50 members who shall be women allocated to the Provinces in such a way and manner that each Province shall have five members. (It is not stated by whom such allocation is made, but this is probably by the PCC.<sup>59</sup>)

The manner in which the 130 people “nominated by the PCCs” become Central Committee members is often dogged by controversy, with the PCC leadership viewed as imposing preferred candidates and the Politburo rejecting nominations it does not approve.<sup>60</sup>

The function of the Central Committee is described as being to:

- make rules, regulations and procedures to govern the conduct of the Party and its members;
- implement all policies, resolutions, directives, decisions and programmes enunciated by Congress including to give directions, supervise and superintend all the functions of the Central Government<sup>61</sup> in relation to these programmes;
- set up Party organs, committees, institutions, commissions and enterprises in the name and on behalf of the Party;
- convene Congress in ordinary and/or extraordinary session and formulate the agenda, procedures and regulations for business of Congress;
- amend the Constitution, if deemed necessary, subject to ratification by Congress.

### *The Politburo*

During the sitting of Congress, the President appoints 19 persons from the Central Committee to head each of the Departments of Congress<sup>62</sup> and 19 deputies to each. These executive posts roughly match the executive positions noted in respect of the elected and co-ordinating bodies, though several additional departments have been established. The intention seems to be to create positions which accord with governmental ministries and positions. They are as follows:

- the President and First Secretary;
- two Vice Presidents and Second Secretaries;
- the National Chairman;
- the Secretary for Administration;
- the Secretary for Finance;
- the Secretary for Commissariat;
- the Secretary for External Relations;
- the Secretary for National Security;

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<sup>59</sup> At least one third of the Central Committee must be women – Section 19(3).

<sup>60</sup> See *Presidium Petitioned Over Bulawayo Factionalism* The Zimbabwe Independent 11.11.10. and *Zimbabwe's ZANU PF Refuses Co-option of Nkomo Allies* The Zimbabwe Independent 26.08.10.

<sup>61</sup> The ZANU PF Constitution thus assumes that ZANU PF will be the ruling party. This clause cannot be implemented if executive power is partly held by another political party as was the case when the MDC was part of the Inclusive Government.

<sup>62</sup> Recall that 10 of these persons may have been appointed to the Central Committee by the party president himself.

- the Secretary for Transport and Social Welfare;
- the Secretary for Information and Publicity;
- the Secretary for Legal Affairs;
- the Secretary for Indigenisation and Economic Empowerment;
- the Secretary for Production and Labour;
- the Secretary for Health and Child Welfare;
- the Secretary for Economic Affairs;
- the Secretary for Women's Affairs;
- the Secretary for Youth Affairs;
- the Secretary for Education;
- the Secretary for Gender and Culture;
- the Secretary for Welfare of the Disabled and Disadvantaged Persons;
- the Secretary for Land Reform and Resettlement;
- the Secretary for Science and Technology;
- 10 Committee Members;
- 19 Deputies to the Heads of Departments of the Politburo.

The persons occupying these positions, and 10 other members appointed at the same time by the President from the Central Committee, form the body known as the Politburo. In terms of the Party Constitution, there should thus be 53 members. In fact, some 58 persons were appointed to the Politburo by Mugabe after the 2009 Congress. The list of Politburo members as set out in the Party Constitution, and reproduced above, is also stated to be the “rank” of members “in order of precedence”.<sup>63</sup> The last in the order of precedence, the 19 Deputies, have no voting powers. The Politburo’s function is to act as the secretariat to the Central Committee. It is the administrative organ of the Central Committee, and implements all decisions, directives, rules, and regulations of the Central Committee. It meets at least once a month, or more often as directed by the President. With the Central Committee holding all the plenary powers of Congress and with the Politburo comprising the persons charged with executing these powers, this is the most powerful body within ZANU PF.

### *c) Consultative Fora*

In theory, the principal body of ZANU PF is the National People’s Congress. It is composed of:

- all members of the Central Committee;
- all members of the National Consultative Assembly;
- all members of the Women's League;
- all members of the National Council of Youth League;
- all members of the Provincial Coordinating Committees;
- (all members of the District Coordinating Committees);
- the Chairman, Vice Chairman, Secretary, Political Commissar and Treasurer, and two members each from the Women's and Youth League from every District Executive Council of the Party.<sup>64</sup>

The powers of the Congress have already been described in relation to the Central Committee, which as stated, exercises most of the powers of the Congress when it is not in session. Although the

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<sup>63</sup> Section 36 of the ZANU PF Constitution.

<sup>64</sup> This grouping is part of the Congress “unless otherwise directed by the Central Committee” – section 20(8).

Congress ordinarily convenes every five years,<sup>65</sup> extraordinary sessions of Congress may be called by of the majority of the members of the Central Committee; by the President at the instance of not less than one third of members of the Central Committee, or following the resolution to do so of five Provincial Executive Councils. However, six weeks' notice is required to convene such an extraordinary session of Congress. The procedure for the business of the Congress is determined by the Central Committee. Nominally, the Congress has elective powers, which will be considered further below.

In addition to the Congress, there are two other consultative bodies, the National People's Conference and National Consultative Assembly. The former is composed of:

- All members of the Central Committee;
- All members of the National Consultative Assembly;
- All members of the National Council of the Women's League
- All members of the National Council of the Youth League;
- All members of the Provincial Coordinating Committees;
- All members of the Provincial Councils;
- (All members of District Coordinating Committees); and
- All members of the District Executive Councils as may be determined by the Central Committee from time to time;

The "People's Conference" convenes yearly and the press often erroneously refers to its meeting as a ZANU PF "Congress", though it is obviously important to distinguish between a Conference and a Congress. The purpose of these yearly conventions is somewhat vaguely defined and loosely interpreted. It is essentially to receive feedback from and to monitor the Central Committee on the implementation of the decisions and programmes determined by the Congress. It also considers reports submitted to it by the Central Committee.<sup>66</sup> As stated, it is also *required* to "*declare the President of the Party elected at Congress as the State Presidential Candidate of the Party*".

The last body<sup>67</sup> to be considered under this head is the National Consultative Assembly, comprising:

- All members of the Central Committee;
- All members of the National Assembly of the Women's League and their Deputies;
- All members of the National Assembly of the Youth League and the Deputies;
- All members of the ten Provincial Executive Councils;
- Such other members designated by the Central Committee on account of their contribution to the liberation struggle or development of the country after Independence; and
- All former members of the Central Committee.

This body convenes twice yearly and is intended as a sounding board for the Central Committee. It debates issues of policy referred to it by the President or Central Committee, with a view to making appropriate recommendations to the Central Committee.

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<sup>65</sup> Section 22 of the ZANU PF Constitution.

<sup>66</sup> Section 30 of the ZANU PF Constitution.

<sup>67</sup> There is one further consultative body of lesser importance and not relevant for current purposes. Provincial Inter-District Conference which reviews Party projects in the province to discuss any other matters referred to it by the Central Committee. It comprises "the Joint Provincial Council" and such number of delegates from the Party Districts as determined by the Central Committee from time to time.

## Elections for the Presidium under the ZANU PF Constitution

With the structure of ZANU PF set out, it is now possible to consider the electoral processes for the Presidium (President, two Vice Presidents, and National Chairman) under the ZANU PF Constitution. The relevant clauses of the ZANU PF Constitution in this regard are poorly drafted, and, in places, the wording has possibly been deliberately chosen to obscure the true effect of these clauses. The kernel of the process appears in section 32 which sets out process for the election of the Central Committee, of which the Presidium is part. Section 32(1) provides that the Presidium:

*shall be elected by Congress directly upon nomination by at least six (6) Provincial Co-ordinating Committees of the Party, meeting separately in Special Session called for that purpose;*

*Provided that if in respect of any position being contested no candidate succeeds in securing the nomination by at least six (6) Provincial Co-ordinating Committees, the candidates having the highest nomination votes, shall be referred to the Provincial Co-ordinating Committees for fresh nomination. This process shall be repeated until it yields a candidate who commands the nomination by at least six (6) Provincial Co-ordinating Committees. The candidate, who through this process attains the nomination by at least six (6) Provincial Co-ordinating Committees, shall stand nominated for election directly by Congress...*

*For the avoidance of doubt, each Provincial Co-ordinating Committee shall act as the electoral college for the purpose of arriving at the nominations...*

The yawning gap in these provisions is that the term of office of those “*elected directly by Congress*” is not explicitly stated. These provisions must be read with section 22 which establishes the Congress. Subsection 22(6) is as follows:

*there shall be a Presidium consisting of the President and First Secretary, two Vice Presidents and Second Secretaries and the National Chairman, who shall preside over proceedings of Congress as directed by the President and First Secretary of the Party; provided that following a dissolution of the Central Committee immediately preceding the election of a new Central Committee in terms of Section 32 of this Constitution, the Presidium established under this section shall continue in office until the conclusion of the business of Congress.<sup>68</sup>*

Considering the importance of the issue, one would expect a clause setting out when, and under what circumstances, the Central Committee is to be dissolved. It is only clear that the extant Central Committee is to be dissolved immediately prior to the election of a new Central Committee. There is nothing, however, to indicate that the election of a new Central Committee must take place every five years during each ordinary session of Congress.

Notwithstanding this lack of clarity relating to tenure, it is apparent that, in terms of the procedure set out in section 32, each PCC convenes for the particular purpose of nominating candidates to the Presidium. Candidates who receive the nomination of six of the PCCs are then “*directly elected*” by the Congress. Where no candidate is nominated by six PCCs, the candidates with “the highest nomination votes” are referred back to the PCCs for fresh nomination. There is no indication as to when the

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<sup>68</sup> Presumably what is meant is *that those elected to the Presidium established in terms of the clause continue in office until the conclusion of the business of Congress, rendering it implicit that they vacate office thereafter, to make way for a newly elected Presidium. The clause thus ought to be read as implying that there must be elections to the presidium each time the Central Committee is dissolved. One would have expected this is to be explicit rather than implicit, given the importance of the issue.*

PCCs must convene for the purpose of nominations. The practice is that the PCCs ensure that the Special Conferences for this purpose takes place prior to Congress.

This process raises several questions. Firstly, the process assumes a limited pool of candidates from which the nominations by the PCCs are to be made so as to ensure the possibility of nominees having the support of six provinces rather than there being ten different nominees, one from each province. But there is no procedure set out as to how a person comes to be considered for nomination by the PCCs in the first place. This has allowed the development of the process of “guided democracy” whereby candidates are “suggested” by the party hierarchy.

Secondly, with several nominees, the split may render the interpretation to be accorded to those with the “*highest nomination votes*” problematic.<sup>69</sup> Does the phrase refer to the votes of the Provinces as units or the votes of the delegates within the PCCs? In the former instance, if there are four nominees proposed with the support of 4, 3, 2 and 1 of the 10 provinces, is it the top three, or only the top two, that are referred back to the PCCs? What is the situation if the nominations split 4:2:2:2 - or 4:3:3 with three nominees? Which are the highest of these?

Thirdly, what is the meaning to be accorded to the notion that the candidate securing the nomination of six provinces is elected directly by the Congress? The term “*election*” suggests that Congress has a choice. If there is only one nominee for “*election*” put forward for each post, what is the choice given to Congress? It maybe that the intention was that at least six of the PCC’s forward the same and several nominees for each post.<sup>70</sup> This has not, however, been the practice, with a single nominee for a vacancy in the presidium determining the issue. Congress thus has essentially endorsed or ratified the nominee forwarded by the PCCs rather than electing the candidate. Yet the Constitution is silent as to what is to happen if Congress refuses to make the endorsement or ratify the candidate. The Congress is often referred to by ZANU PF officials “*as elective*”.<sup>71</sup> Does the Congress thus have the power to suggest an entirely different candidate for election “from the floor” who has not, as the Constitution seems to require, been nominated by the PCCs?

The ZANU PF Constitution contains no special provisions to deal with the contingency of its President’s sudden demise. The only clause of relevance is section 43(1) which stipulates that one of the Vice-Presidents will “*deputise and exercise any or all of the functions of the President and First Secretary in his<sup>72</sup> absence or at his request.*” However, it is stretching these provisions to suggest that the deputising of the President’s functions extends to being the Party candidate for the position of President of the country in terms of national electoral laws, as some senior ZANU PF officials have claimed, or to be the person forwarded to the Speaker of Parliament as the party nominee in terms of the Sixth Schedule of the State Constitution.<sup>73</sup> Even if this were the case, in the absence of a “request” by the President, how the choice is to be made between the two party Vice-Presidents is not indicated. The top three members of the ZANU PF Presidium have always occupied the same posts provided for in

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<sup>69</sup> This is often suggested as a possibility in press reports although it is not specifically provided for by the Party Constitution.

<sup>70</sup> Though this is contradicted by the use of the singular when a second round of nominations is required.

<sup>71</sup> *Wait a While, Aspiring Leaders Told* The Herald 24.05.12.

<sup>72</sup> The ZANU PF Constitution thus seems to envisage the position being occupied by a male, but this is merely poor drafting and should not be read to exclude women from the post.

<sup>73</sup> See *Mutasa Endorses Mujuru for Presidency* Zimbabwe Guardian 22.04.14 where ZANU PF Secretary for Administration, Didymus Mutasa, is quoted as saying: *Those harbouring succession thoughts ahead of Mai Mujuru are daydreamers...May I remind them that our constitution says if the president decides to retire or otherwise, the second in command takes over. In this case it is Mai Mujuru.* Similar sentiments were expressed by ZANU PF Spokesperson Rugare Gumbo “*There is no succession crisis in the party. There is no doubt in Zanu (PF) about the issue of succession. The party’s hierarchy is clear. We have the President, the Vice President, the National Chairman, the Secretary for Administration and that is the hierarchy that is followed by the party. Those below the hierarchy wishing to become President are just wasting their time*” quoted in *Mujuru is Next: Gumbo* The Zimbabwean 11.09.13.

Zimbabwe's State Constitution. In the event of President Mugabe's sudden demise, the State Constitution stipulates that the Vice-President who last acted as President, or whom has been specifically chosen by the President to do so, will assume power in the inter-regnum period.<sup>74</sup> It is possible that, if resident Mugabe indicates a preference under the State Constitution, this will be taken to constitute "the request" for purpose of the ZANU PF Constitution, but there is no legal requirement that this be so, and the issue may be a point of contention between the two ZANU PF Vice-Presidents.<sup>75</sup>

There have also been suggestions, from some of those considered to be pretenders to the throne, that the ranking of the members of the Politburo "*in order of precedence*" under the ZANU PF Constitution sets the order of precedence for succession to the presidency.<sup>76</sup> However, what is intended by the "ranking" of the members of the Politburo under the ZANU PF Constitution, and what privileges are intended to be conferred by holding a higher ranking, is not indicated by the ZANU PF Constitution. There is certainly nothing to indicate that the person holding the highest ranking must succeed the President in the event of his sudden demise.

If ZANU PF is to rely upon its electoral process for the replacement of Mugabe, as it seems it ought, certain practical difficulties present themselves.

The electoral process requires that all ten PCCs submit nominees for "election" to the Presidium by the Congress. The Provincial Co-ordinating Committees, as has been seen, are large and unwieldy bodies. They comprise the Provincial Executive Council and provincial members of the Central Committee, National Consultative Assembly, Executive Committee of Women's League, Executive Committee of the Youth League, Members of Parliament, and, until recently, the Chairpersons of District Coordinating Committees. Many of these bodies are themselves comprised of other components of the Party structure. **Annexure A** expands each of these so that the highly complex nature of the PCC is apparent. Each PCC thus usually comprises as many as 100 to 110 members. In theory, the composition of the PCCs make them extremely democratic bodies, and the large number of members drawn from disparate sectors of the ZANU PF structures ought to make it extremely difficult for any individual to exert political pressure upon a PCC in the selection of the nominee for "election" as president by Congress.

However, this is both the forte and foible of the PCC. It will require particularly astute, efficient, and active political commissars at all levels to ensure that delegates to the PCC are properly identified and attend the special electoral conferences of the PCCs. Furthermore, since the PCC comprises elements of other Party structures, it is necessary that these structures are in place and properly formed when it becomes necessary to convene each PCC as an electoral college. This is by no means certain given the current state of ZANU PF's internal politics.

The election of the last DCCs, for example, was particularly fraught. Several elections were annulled or postponed, and, on one occasion, police had to disperse rival supporters by firing shots into the air.<sup>77</sup> The Politburo specifically cited the "divisive" nature of the DCC elections as the reason for the dissolution of this component of the ZANU PF structure.<sup>78</sup> It has been suggested<sup>79</sup> that these

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<sup>74</sup> Paragraphs 14(3)(b) and 14(4)(a) of Part 4 of the Sixth Schedule to the State Constitution.

<sup>75</sup> There is also the interesting possibility that the person chosen to act as Party President may not be the same as the person chosen to act, or who last acted, as State President.

<sup>76</sup> See fn 75 above; the statement of Rugare Gumbo quoted in *Mujuru is Second in Command* The Standard 25.11.13 i.e. "Don't lie to people or play Mickey Mouse games with the party hierarchy; Mujuru is the most senior person in the party only after President Robert Mugabe, she is the highest person in the party and presidency then the rest follow" and "Zanu PF Succession Won't be Hierarchical" The Zimbabwe Independent 07.07.12.

<sup>77</sup> *Mugabe Flies Into ZANU PF Storm* Daily News 08.07.12.

<sup>78</sup> See *ZANU PF DCCs Disbanded* above

elections were hotly contested and controversial because of the influence the DCCs have in the PCCs which, as the electoral college, are central to ZANU PF's succession politics. However, as is seen here, the chairpersons of the DCCs did not constitute a large component of each PCC. There was only an average of nine DCCs in each province. However, as the engine room of ZANU PF's organisational structure, the DCCs wielded an influence far beyond mere voting numbers. The DCCs played a key role in subduing the rural electorate prior to the presidential run-off election of 2008, and the chairpersons of each DCC appear to have established fiefdoms in the areas under their control.<sup>80</sup> The requirement that the PCCs must ensure that each Administrative District has at least one member appointed to the Central Committee makes it probable that the appointee was the DCC chairman. Control of the DCCs was thus seen as the route to enormous political influence within ZANU PF.

After the disbanding of the DCC's, the central role played by the PCC's in the election of the Presidium, and thus ostensibly Mugabe's successor, has come even more sharply into focus. As a result, these Committees have become even more fractious in the last few years, with disputes spilling into the public domain. This is particularly so in the historically turbulent<sup>81</sup> Provinces of Manicaland, Midlands, Masvingo, and Bulawayo.

It is against this backdrop that the election of the Provincial Executive Committee (PEC) members took place towards the end of 2013. These elections caused as much dissension, if not more, than had been the case with the DCCs. The PEC elections were specifically seen as positioning by factions in the succession battle.<sup>82</sup> Elections for all ten provinces ought to have taken place simultaneously on the date set, 26<sup>th</sup> October, 2013. However, disputes over the process and administrative disarray led to the entire process descending into chaos, with the polls only completed over one month later. Only two polls were initially held, those for Manicaland and Midlands. Both were decried as procedurally flawed with widespread allegations of rigging and manipulation. Supporters of both losing and winning candidates lodged petitions with the Politburo complaining about procedural irregularities.<sup>83</sup> The election in Mashonaland West, originally set to take place at the same time as those in Manicaland and Midlands, was called off due to procedural disputes.<sup>84</sup> The next election, that for the Mashonaland Central PEC, which took place on the 11<sup>th</sup> and 12<sup>th</sup> November, 2013<sup>85</sup>, was equally chaotic and contentious.

As a result of the chaos and disputes around all three polls, the elections for the remaining seven provinces which had been set for 23<sup>rd</sup> November 2013 were postponed and an urgent and extraordinary politburo meeting convened to consider whether to accept or re-run the contentious polls in the three provinces, and to chart the way forward for polls in the remaining seven.<sup>86</sup> Despite cogent reports of electoral malpractice, the Politburo resolved at an emotionally charged meeting<sup>87</sup> to accept the results from the three provinces where the polls had been conducted, and set 30<sup>th</sup> November, 2013 for polls in the remaining provinces. These elections did not proceed any more smoothly, with allegations of electoral manipulation raised in each, and the police summoned to quell

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<sup>79</sup>*Mugabe Succession Turns Nasty* [http://www.zimdiaspora.com/index.php?option=com\\_content&view=article&id=8579:mugabe-succession-turns-nasty&catid=38:travel-tips&Itemid=18](http://www.zimdiaspora.com/index.php?option=com_content&view=article&id=8579:mugabe-succession-turns-nasty&catid=38:travel-tips&Itemid=18) 01.06.12.

<sup>80</sup> See the anonymous report *The Anatomy of Terror* available at <http://www.sokwanele.com/node/2333>.

<sup>81</sup> See below, particularly in relation to the "Tsholotsho Declaration".

<sup>82</sup> *Chaos Looms as ZANU PF Goes to the Polls* *The Independent* 29.11.13.

<sup>83</sup> Discussed in more detail below.

<sup>84</sup> *Let's Hold Elections After Conference* *The Sunday Mail* 16.11.13.

<sup>85</sup> They were set to have taken place on one day only, but administrative chaos resulted in the extension of the poll for a further day. Even, so the six districts apparently failed to vote- see fn immediately below.

<sup>86</sup> *Politburo to Decide on Mash Central* *The Herald* 14.11.13.

<sup>87</sup> See *Bhasikiti Weeps in Politburo Meeting* *The Independent* 29.11.13.

disgruntled party members in Masvingo and Mashonaland West, where tear gas was fired.<sup>88</sup> It was only in Harare and Mashonaland East where the losing candidates reportedly were prepared to accept the outcome.<sup>89</sup> Significantly, complaints concerning manipulated and fraudulent voters rolls formed a central part of the allegations of electoral malpractice in all the provinces – reflecting the difficulty of determining the composition of the electing party structures, and leaving the process open to manipulation and bias.<sup>90</sup> The factional dimensions of these polls are discussed below.

The Achilles' heel of any electoral process which relies upon an internal electoral college is that it is susceptible to challenge on the grounds that the college making the selection was not properly constituted. An allegation that merely one of the PCCs was not properly convened or constituted as an electoral college, and its nomination to the Presidium thus invalid, is likely to effect the determination of who are the nominees with the highest votes for purposes of being reconsidered by the ten PCCs. Arguments as to whether the PEC elections were validly conducted, and thus as to the validity of the composition of the PCCs have continued long after the conclusion of the fraught polls.

Practical difficulties do not end there if the intention is that the selection of the nominee for ZANU PF President is to be put forward as the nominee “of” ZANU PF as State President by the PCCs. The nominee that wins the vote of six provinces must be elected by Congress. But extraordinary sessions of Congress may only be convened on 42 days (six weeks) notice. Furthermore, as noted earlier, it is unclear<sup>91</sup> whether an extraordinary session of the National People's Conference must be convened to “declare” the Party President as the Party candidate for State President as required by section 31(3) of the Party Constitution.<sup>92</sup> Accordingly, within a 90 day period the following must take place:

- *the PCCs must convene, submit their nominations, and resolve and resubmit nominations in the event of a contested process;*
- *the Congress must convene and “elect” the person so nominated – a process which might be protracted given the ambiguities as to the elective power of Congress in this regard;*
- *and the National People's Conference may need to convene to declare the Party President “elected by Congress” as the candidate for national President.*

It will be a tight timeframe if this process is followed. The Constitution does not deal with a situation where no nominee has been put forward within the requisite timeframe.

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<sup>88</sup> See *ZANU PF Provincial Polls Turn Riotous* Newsday 02.12.13 and *ZANU PF Elections: The Good the Bad and the Ugly* The Herald 03.12.13.

<sup>89</sup> *ZANU PF Won't Entertain Election Complaints* The Herald 04.12.13.

<sup>90</sup> *ZANU PF Elections: The Good the Bad and the Ugly* fn 90.

<sup>91</sup> See above.

<sup>92</sup> It is not specifically stated at whose instance such extraordinary sessions are convened. However since such sessions are “conducted” by the Central Committee it is likely to be held to have this responsibility – see section 31(2) of the ZANU PF Constitution.

## ZANU PF Succession Process in Practice

In order to consider how the succession to the presidency within ZANU PF might unfold, it is instructive to look at past successions to positions within the Presidium and factional battles.

### *The Fault Lines*

Reports concerning those vying for the presidency are usually based upon conjecture and political gossip. The conventional wisdom in Zimbabwe is that there are two main factions within ZANU PF contending for the presidency on Mugabe's departure, those who grouped around the late Solomon Mujuru and are now grouped around his wife Joice, and those grouped around Emmerson Mnangagwa. However, it has also been suggested recently that those formerly aligned to Solomon Mujuru now rally around Sydney Sekeramayi as successor.<sup>93</sup> Simultaneously, it has been claimed that the military secretly "symbolically swore in Emmerson Mnangagwa as shadow president" with the consent of President Mugabe.<sup>94</sup>

Both the "Mujuru" and "Mnangagwa" factions have advanced differing and expedient perspectives on the manner in which the Presidium of ZANU PF is to be constituted to advance the cause of favoured candidates to the posts.

The blurring of the lines between ZANU PF as a party and the State has been a hallmark of Zimbabwe's polity since 1980, and is reflected in the ZANU PF Party Constitution itself.<sup>95</sup> One manifestation of this is the confluence of the Party Presidium and State Presidium. The State and ZANU PF Constitution both establish the posts of a president and two vice-presidents. Those holding the posts under the State Constitution have always been the same individuals who hold the posts under the Party Constitution. With Mugabe having the unfettered discretion<sup>96</sup> to appoint both Vice-Presidents under the State Constitution, this power affects the processes under the Party Constitution.<sup>97</sup> Combined with the fact that there is no unequivocal statement of term limits for the Presidium under the ZANU PF Constitution, a sector within ZANU PF, and particularly the Presidium itself, which of course includes Joice Mujuru, have advanced the notion that unless there is a "vacancy" in the Presidium, the nominations from the Provinces prior to Congress for the top three positions are a mere formality, in the same way as the People's Conference is required yearly to declare the President of the Party as the ZANU PF candidate for State President. Mugabe and his supporters

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<sup>93</sup> See *Generals Ditch Mujuru in Succession Struggle* The Standard 24.06.12 a notion which emerged again in 2014 – see *Sekeramayi Emerges as Likely Mugabe Successor* Newsday 17.04.14 and *Mujuru dislodged.....as Military Chefs Secretly Swear-in Mnangagwa* The Telescope News 31.01.14.

<sup>94</sup> See *Mugabe to Cancel Succession Congress* The Telescope News 29.05.14. The same publication reported in January 2014 that Mnangagwa had been secretly sworn in as "shadow president" with Mugabe wanting the transition to take place before December 2015 at the latest, and possibly by May 2015.

<sup>95</sup> It has already been noted that the powers accorded to the Central Committee are predicated upon the assumption that ZANU PF will always be the ruling party. This supposition arises from an even deeper presumption embedded in the Party Constitution – that ZANU PF is the sole legitimate voice of the people of Zimbabwe. The preamble to the Party Constitution reads like that of a State Constitution rather than that of a political party, commencing with the statement "we the people of Zimbabwe" not "we the members of ZANU PF". Furthermore, following the Unity Accord<sup>95</sup> between the two main rival political groupings of the 1980s in terms of which ZAPU<sup>95</sup> was absorbed into ZANU PF, the ZANU PF Constitution excludes the possibility of multiparty democracy, purporting "to unite all the people of Zimbabwe under a single political party". The objectives of the Party likewise read like those of a government, the first of these being "to preserve and defend the National Sovereignty and Independence of Zimbabwe".

<sup>96</sup> Paragraph 14(2) of the Sixth schedule to the Constitution.

<sup>97</sup> A similar and extremely important conjunction exists with the appointment by Mugabe of members of the Central Committee to the Politburo and the appointment of most of the same individuals by Mugabe as Ministers in Government in terms of section 104(1) the State constitution.

have thus adopted the refrain that “*there is no vacancy in the Presidium.*”<sup>98</sup> The notion that there need not be five yearly elections for the Presidency appears to have continued.<sup>99</sup>

This assumption of the right to office by the incumbents has been disputed and contested by those seen as aligned to Emmerson Mnangagwa, who have contended that fresh elections to all posts within the Presidium must take place every five years by way of nominations from the Provinces. Their view is that these nominations are not merely a formal and automatic endorsement of the incumbents.

A second fault line dividing the Mujuru and Mnangagwa camps is a result of the Unity Accord which absorbed Joshua Nkomo’s PF ZAPU Party into ZANU PF in December 1987.<sup>100</sup> One section of ZANU PF claims an unwritten term of the Unity Accord is that the four posts in the Presidium will be divided between ZANU PF and PF ZAPU, with ZANU PF holding the presidency and a vice-presidential post, and PF ZAPU holding the other vice-presidential position and the post of National Chairman. Since the power base of PF ZAPU is in Matabeleland, the further inference by some is that the PF ZAPU posts will be held by members of the majority ethnic group in Matabeleland, the Ndebele. However, many of those aligned to the Mnangagwa camp have taken the understanding concerning the distribution of posts within the Presidium along ethnic lines further, and maintained that it ought to be party policy that the *all* major ethnic groups in Zimbabwe, the Zezuru, Manyika, Karanga, and Ndebele, will be represented in the Presidium.

### *The Military Factor*

The ethnic analysis of ZANU PF’s succession battle views the contest as between the Zezuru (represented by the Mujuru faction) and the Karanga (represented by the Mnangagwa faction).<sup>101</sup> Both are seen as periodically endeavouring to forge alliances with the Manyika and Ndebele groupings. It certainly seems to be outside any coincidence that the Head of State, President Mugabe, a Vice-president (Mujuru), the head of the judiciary, Godfrey Chidyausiku, the head of the Defence Forces, Constantine Chiwenga, the Head of the Air Force, Perence Shiri, the head of the Police, Augustine Chihuri, and the Registrar-General of Elections are all Zezuru.<sup>102</sup> None of the four Cabinet Ministers of the last government<sup>103</sup>, excluded from the Politburo, were Zezuru. Masvingo and Midlands Provinces, home to the Karanga, have consistently opposed nominations to the Presidium comprising people of Zezuru and Ndebele backgrounds only. The most contentious of the DCC elections took

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<sup>98</sup> *No Vacancies in Presidium, Says President* Africa News Service 15.12.2006, *No Vacancy for President, Mujuru Told* The Zimbabwe Independent 06.06.14 and *No Vacancies in the Presidium* The Herald 09.06.14 – the latter statement made notwithstanding the obvious need to fill the post of one Vice-President.

<sup>99</sup> At the Politburo meeting convened to discuss the contentious PEC polls Jonathan Moyo bemoaned his difficulties in trying to deflect media speculation that the poll chaos was due to factionalism centred around the succession issue, claiming there was no vacancy in the presidency after Mugabe won a new five-year term in the July 31 general elections with 61% of the vote – see *Bhasikati Weeps In Politburo Meeting* fn 89 above. More recently Mujuru herself and her supporters have sought to advance the view that she is number two in the party and by implication her succession to Mugabe merely requires formal endorsement. Those challenging this view are labelled as the factionalists, opportunists and sellouts causing dissension within the Party – see *Mujuru is Next: Gumbo* The Zimbabwean 11.09.13; *VP Mujuru Blasts Opportunists* The Sunday Mail 13.04.14 and *Intense Intrigues in ZANU PF Succession* The Financial Gazette 17.04.14.

<sup>100</sup> The accord ended the Gukurahundi period in which an estimated 20 000 people in Matabeleland and Midlands provinces were killed by the 5<sup>th</sup> Brigade deployed to the region ostensibly to crush ZAPU aligned “dissidents.”

<sup>101</sup> See for example *Tribal Tensions At Zanu PF Congress in Zimbabwe* Zimbabwe Independent 11.12.09 and *The Zimbabwe Electoral Struggle* <http://saharareporters.com/interview/zimbabwe-electoral-struggle>.

<sup>102</sup> Philip Sibanda, the head of the Army, is Karanga. While Joyce Mujuru is generally characterised as Zezuru (as certainly was her late husband) she was born in Mt Darwin, a north eastern region of the Korekore.

<sup>103</sup> They were Kembo Mohadi, Home Affairs (Venda); Simbarashe Mumbengegwi, Foreign Affairs (Karanga); Joseph Made, Agriculture, Mechanisation and Irrigation Development (Manyika); Walter Mzembe, Tourism and Hospitality Industry (Karanga). Since no updated list of Politburo members could be obtained, the analysis for the current government could not be made.

place in Masvingo and Manicaland, and those of the PEC in Masvingo, Midlands, Bulawayo and Manicaland.

However, while some factions within ZANU PF might wish to exploit ethnic considerations, several political observers have cautioned against using ethnicity as an analytical lens through which the internal dynamics of ZANU PF may be viewed.<sup>104</sup> For several years, and most obviously in the aftermath of Mugabe's electoral defeat in March 2008 (when those heading the security sectors stepped in to ensure Mugabe's "victory" in the presidential run-off election in June), it has been evident that the President and any aspirant to the presidency are heavily dependent upon support from the security sector. ZANU PF succession politics may be conceptualised in terms of the extent to which the wooing of securocrats has been accepted or rebuffed, and the extent to which the securocrats believe who is best able to safeguard their positions and the status quo. This in turn infers the extent to which each of these are prepared to protect the positions of the ZANU PF old guard, most of whom, having played prominent roles in the "liberation war", believe in "rule by entitlement" by virtue of their contributions made during the war<sup>105</sup>.

#### *Early Manoeuvring and Precedent*

After the Congress of 1964, ZANU PF, due to internal repression and then the war, was unable to hold any Congresses for the next 20 years. Leadership issues were determined by the party's council or "Dare" in exile with significant influence exerted by the military, manifested famously in the Mgagao Declaration which led to the ousting of the then leader of the party, Ndabaningi Sithole.<sup>106</sup>

The Congress of 1984 revealed a party struggling to adjust to constitutionalism as a *modus operandi*. With the Politburo at this time being elected rather than appointed from the Central Committee by the party President, as is now the case, it was apparent as the delegates converged at Borrowdale race course that at least six seasoned party stalwarts were set to be deposed from their positions in the Politburo. Amongst these were Simon Muzenda and Kumbirai Kangai, who had not been nominated by the provinces. They were rescued by the intervention of Mugabe who went so far as to persuade Maurice Nyagumbo, the nominee of all provinces, to stand aside and allow Muzenda to fill the vacant Vice-presidency post. Although Mugabe's preferences held sway, the revised list of candidates was met with booing by the plenary of delegates.<sup>107</sup> Congress had just experienced its first taste of guided democracy, which was to emerge each time a vacancy arose in the Presidium.

From the time the executive presidency was created, and the Unity Accord signed in 1987, there was little challenge to the triumvirate of Robert Mugabe as President, and Joshua Nkomo and Simon Muzenda as Vice-Presidents. The only position which admitted any fluidity was that of National Chairman, a possible future stepping stone to the vice-presidency on the demise of any one of the two vice-presidents. The history of the Presidium since 1987 is set out in Annexure B.

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<sup>104</sup> See Ibbotson Mandaza *Zanu PF Congress' Historical and Political Significance* The Zimbabwe Independent 18.12.09. Mandaza elsewhere contends that there have been expectations that Mugabe might retire in the early 1990s and that many senior ZANU PF officials have never been comfortable with the concept of Mugabe as President-for-life – see *Will ZANU PF Survive After Mugabe* p3 <http://www.africaresearchinstitute.org/files/book-downloads/docs/Will-ZANU-PF-survive-after-Mugabe-Q5UF7JVG4U.pdf>. And see also, by implication, the important analyses of ZANU PF historiographies in Luise White, *The Assassination of Herbert Chitepo: Texts and Politics in Zimbabwe* (Indiana, 2003).

<sup>105</sup> The role of the military has been widely discussed, but most recently covered in great detail. See Bratton, M *Power Politics in Zimbabwe*. London: Lynne Rienner (2014). See also Bratton, M., & Masunungure, E (2011), *The Anatomy of Political Predation: Leaders, Elites and Coalitions in Zimbabwe, 1980-2010*. Research Paper 09. Development Leadership Program January 2011..

<sup>106</sup> An account of this is given in *Dzino – Memories of as Freedom Fighter* Wilfred Mhanda Weaver Press 2011.

<sup>107</sup> This account given by Ibbotson Mandaza,, who was present at the Congress.

Positioning and manoeuvring around the issue of succession to President Mugabe began as early as 1999, when sectors within ZANU PF were, correctly as it transpired, beginning to view President Mugabe as an electoral liability.<sup>108</sup> The Mujuru and Mnangagwa factions first locked horns following the death, on the 1<sup>st</sup> July of that year, of Joshua Nkomo, then the PF ZAPU nominated Vice President.<sup>109</sup> Pursuant to what one PF ZAPU member has described as a series of “secret meetings”,<sup>110</sup> the National Party Chairman, Joseph Msika was “elected” as the new Vice-President by the Congress that convened in December 1999. Although a member of PF ZAPU, and raised in Matabeleland, Joseph Msika was Zezuru, the same ethnic group as President Mugabe. This caused disgruntlement within PF ZAPU who felt that Msika had been imposed from above, and, not being Ndebele, was not an appropriate representative of the Matabeleland Provinces. However, being fourth in the Presidium hierarchy, and previously second in command to Joshua Nkomo within ZAPU, his elevation to the Vice-Presidency was not overtly contentious. Significantly, however, Mugabe was unable to secure the elevation of his preferred candidate, Thenjiwe Lesabe, the then head of the Women’s League.

The promotion of Joseph Msika to the Vice-Presidency left the position of National Chairperson open, and Mnangagwa threw his hat into the ring for this position. Had he succeeded in this quest, he would have been in pole position to succeed Vice-President Simon Muzenda, also a Karanga, and within reach of the Presidency after Mugabe’s departure. It was apparently astute political manoeuvring by Solomon Mujuru, however, that secured the nomination of John Nkomo, an Ndebele, from eight of the ten provinces.<sup>111</sup> As an Ndebele, Nkomo was an unlikely rival to Solomon Mujuru’s choice for the vice-presidency when the opportunity arose – as it did with the death of Simon Muzenda in September 2003.<sup>112</sup>

### *The Tsholotsbo Saga*

With the vacancy now occurring in the ZANU PF wing of the Vice-Presidency, the appointment of the replacement was never going to be smooth. Mugabe and ZANU PF were, however, seemingly content to await the ZANU PF Congress of December 2004 before filling the vacancy. A bruising battle took place between the Mujuru and Mnangagwa camps in the intervening period, from which the Mujuru camp emerged the stronger.

Before then, the grouping around Mnangagwa appears to have been in the ascendancy in the Provinces for several years prior to Simon Muzenda’s death, and seemed likely to be able to muster the support for nomination from the required six Provinces for the Vice-Presidency. To further Mnangagwa’s chances, his supporters sought to advance the principles expounded in what became known as the “*Tsholotsbo Declaration*”. Jonathan Moyo, a prominent turncoat politician,<sup>113</sup> was a key player in the drama which unfolded. He has written in detail about the events.<sup>114</sup>

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<sup>108</sup> In the Presidential election of 1990 the Edgar Tekere (former close confidant of Mugabe and ZANU PF stalwart who had fallen out with Mugabe in 1981) of the Zimbabwe Unity Movement polled a remarkable 16% of the vote despite Mugabe’s exclusive control over all media in the country and extensive abuse of state resources and the security sector to promote his candidacy. Mugabe’s narrow “victory” in the presidential election of 2002 is widely believed to have been achieved through violence and the manipulation of the electoral process.

<sup>109</sup> On 01.07.99.

<sup>110</sup> Dumiso Dabengwa, head of the regrouped ZAPU, quoted in *Zanu PF ‘Tried to Impose’ Nkomo Successor* Newsday 21.12.11.

<sup>111</sup> See Ibbotson Mandaza *Solomon Mujuru: A Leader Who Made (and unmade) History in His Own Way* <http://www.sapes.org.zw/mujuru1.html>.

<sup>112</sup> On 20.09.03.

<sup>113</sup> Moyo, once an academic deeply critical of ZANU PF was co-opted into its ranks in 2000, expelled in 2005 when he once again became stridently critical of the party and Mugabe, before being readmitted to the Politburo in 2011.

<sup>114</sup> *Tsholotsbo Saga: The Untold Story* published in three parts in the Zimbabwe Independent in April, 2006.

In his account, Moyo maintains that the Tsholotsho Declaration is made up of four principles:

- that all the country's four major ethnic groups, Karanga, Manyika, Zezuru and Ndebele should be represented in the Presidium;
- that the position of president should not be monopolised by one ethnic group but rotate among the four major ethnic groupings;
- that the filling of positions in the Presidium should not be by imposition by the Party hierarchy but through democratic elections done by secret balloting; and
- such positions must be filled in accordance with the Party Constitution.

Since the Mujuru aspirant to the position, Joice Mujuru is Zezuru,<sup>115</sup> already represented in the Presidium by President Mugabe, support for the Declaration was seen as support for Mnangagwa as Vice-President. Those supporting these principles envisaged a Presidium with Mugabe, a Zezuru, as President, Mnangagwa, a Karanga, as one Vice-President with an Ndebele co-Vice President, and “young Turk”<sup>116</sup> and legal advisor to ZANU PF, Patrick Chinamasa (Manyika), as National Chairman.<sup>117</sup> The Declaration threw down the gauntlet to those who believed that the top three positions in the Presidency were inviolable until a vacancy occurred (other than through an expiry of a term of office), and that two of the top four positions should be occupied by former PF ZAPU members. Among them was Mugabe who did not intend to be hampered by the inconvenience that there was nothing in the ZANU PF Constitution which supported his views.

After a series of meetings in August, 2003, headed by provincial chairmen and provincial governors, presided over by the national political commissar,<sup>118</sup> it was clear that Mnangagwa had the support for the vice-presidency from all except three Provinces – Mashonaland Central,<sup>119</sup> Harare, and Mashonaland East.

The Mujuru alignment, which included elements from the three disaffected Provinces, came together<sup>120</sup> shortly after these meetings began. A strategy was devised whereby a sudden sensitivity to gender issues was to be used to undermine the Mnangagwa group. The Mujuru camp thus latched upon a resolution, first put forward by the Women's League at its August 1999 meeting in Victoria Falls, that one of the four members of the Presidium must be a woman.<sup>121</sup> Ironically, given subsequent events and that she is now regarded as being very firmly on the Mnangagwa side of the fence, Oppah Muchinguri as Deputy Secretary of the Women's League, reportedly played a key role in driving the proposal. The Women's League was prevailed upon to repeat its demand at its plenary meeting of 2<sup>nd</sup> September 2004.<sup>122</sup> Accompanied by his wife Grace, Mugabe attended the meeting and announced that he supported this demand.

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<sup>115</sup> See however, fn 104 above qualifying this statement.

<sup>116</sup> Although born on the 27.01.47, Chinamasa (65) is younger than many of the ZANU PF “old guard” who are in their 70s and 80s.

<sup>117</sup> Although a prominent figure in ZANU PF politics Patrick Chinamasa is a “mafikizolo” or “newcomer” in terms of the ZANU PF hierarchy. Despite the prominent role he played in ZANU PF as Minister of Justice and now Minister of Finance and negotiator with the opposition MDC in the formation of the Inclusive Government, he is currently a non-voting member of the Politburo, holding the post of Deputy Secretary of Legal Affairs under Mnangagwa.

<sup>118</sup> Elliot Manyika. The ZANU PF Constitution does not establish any body composed of these delegates.

<sup>119</sup> Mujuru's home province.

<sup>120</sup> This is according to Jonathan Moyo.

<sup>121</sup> The League had threatened to boycott the forthcoming December Congress if its demands were not met - see *Old Guards Tighten Grip On Power* IPS 15.12.99 <http://www.ipsnews.net/1999/12/politics-zimbabwe-old-guards-tighten-grip-on-power/>. It does not seem that the threat was carried out, but the requirement that one third of the total membership of the principal organs of the Party be women, may have been introduced into the ZANU PF Constitution at the Congress (section 19(13)). Section 36 also repeats this requirement in relation to the Politburo.

<sup>122</sup> Then headed by the 72 year old Thenjiwe Lesabe.

The Mnangagwa faction was unimpressed. The date for nominations to the posts in the Presidium from the Provinces was set for the 21<sup>st</sup> November, 2004. Under the cover of an invitation as guest of honour at Dinyane High School for a prize giving ceremony, Mnangagwa prepared to go to Tsholotsho on the 18<sup>th</sup> November, 2004, where, not coincidentally, Chairmen of the Provinces would be present to hear his speech.<sup>123</sup> The Tsholotsho meeting could not be seen as anything other than a direct challenge to Mugabe's authority. It was clear that President Mugabe's intention was that the vacancy left by Simon Muzenda's death was to be filled by Joice Mujuru. The Tsholotsho gathering appeared to be intended to counter this by advancing the Tsholotsho principles.

Mugabe called an emergency Politburo meeting for the same day, the 18<sup>th</sup> November, 2004. The result of the meeting was that the Politburo declared that it had "*amended*" the Party Constitution to include the demand of the Women's League that one of the Vice Presidents be a woman.<sup>124</sup> Less widely publicised, but of even more significance, was the amendment providing that the Provincial Electoral Colleges would no longer be the 44-member Provincial Executive Councils, but the much larger Provincial Co-ordinating Committees.<sup>125</sup> The election would thus be conducted under the watchful eye of the Central Committee members from the Province, some of whom would undoubtedly be Politburo members who had agreed to the amendment.<sup>126</sup> The latter amendment was clearly designed to neutralise the Mnangagwa faction's control over the Provincial Executive Councils in seven Provinces.

Perversely, Emmerson Mnangagwa, as Secretary for Legal Affairs, was given the task of drafting the necessary amendments to the ZANU PF Constitution. This required the alteration of only a few words, but, perhaps deciding that discretion was the better part of valour, Mnangagwa pleaded this commitment to stay well away from the meeting in Tsholotsho.<sup>127</sup> As ZANU PF Secretary for Administration in the Politburo, and, in what was to be one of his last few acts as such, he was also given the task of writing to the Provinces to explain the new nomination procedure. Aware that the knives were being sharpened in Harare, and with Mnangagwa literally, and metaphorically, distancing himself from events, most of those meeting in Tsholotsho made a belated and feeble attempt to be seen as compliant with Mugabe's wishes. Purporting to obey the directive that resulted from the Politburo meeting earlier in the day, and hoping for some success in repeating Mugabe's preference at the 1999 Congress, they changed their original line up for the Presidium to the extent only that Thenjiwe Lesabe, an Ndebele woman, be a second vice-president. This proposal was still unprecedented. It would require the removal of an incumbent, Joseph Msika, from the vice-presidency. The directive from the Politburo – and thus from Mugabe – had made it clear that nominations from the Provinces were expected only with regard to the single vacant post of vice-president.

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<sup>123</sup> Austin Zvoma, the Clerk of Parliament, is reported to have facilitated the crafting of the speech for Mnangagwa by George Charamba. Charamba is presently press secretary in the President's Office, Permanent Secretary in the Ministry of Information and one of ZANU PF's most erudite and prolific apologists. On occasion Zvoma has involved himself in issues not strictly within his purview – such as advancing an interpretation of the Constitution relating to the controversial date for the 2013 election. It is not beyond the realms of possibility that he may be prevailed upon to vet the legitimacy of nominations made to the Speaker.

<sup>124</sup> The amendment was to section 32(1)(b) by adding to the requirement that there be two vice-presidents the phrase "one of whom shall be a woman".

<sup>125</sup> As outlined above, the PCCs also contain a greater quota of Women's League members.

<sup>126</sup> Jonathan Moyo suggests in his account of events that the election would also no longer be by secret ballot. This may possibly have been the directive from the Politburo. The Party Constitution was not amended to reflect this.

<sup>127</sup> This is notwithstanding the fact that a light aircraft had been arranged to convey Mnangagwa to Dinyane so that he could attend both the prize-giving ceremony at the school and the Politburo meeting. The extraordinary effort which was put into Mnangagwa's attendance belies the suggestion that the meeting was an innocent school prize-giving ceremony.

The Women's League duly met on the 22<sup>nd</sup> November, 2004, and formally declared Joice Mujuru to be their choice as the woman to succeed Simon Muzenda, in accordance with the instruction from the Politburo. The direction of the wind was clear. Six out of the ten provinces thereafter duly nominated Mujuru as their candidate. And on the 6<sup>th</sup> December, Congress "elected" Mujuru as Vice President. President Mugabe, apparently euphoric at his successful exercise of political muscle, imprudently<sup>128</sup> stated to the gathering: "*When you choose her as a Vice President, you don't want her to remain in that chair do you?*" Given what had transpired, the suggestion that Mujuru had been "chosen" by Congress was hardly accurate.

Mugabe moved swiftly against those who had sought to defy his choice of anointed appointee. The Tuesday before the weekend Congress, the Politburo "suspended" the six Provincial Chairmen<sup>129</sup> and Jabulani Sibanda, head of the Zimbabwe War Veterans Association, who had been present in Tsholotsho. It was the first of several axings. On the 17<sup>th</sup> December, 2004, Mugabe announced a new and expanded Politburo of 51 members. Jonathan Moyo was removed from the Politburo (and subsequently the Party, and also as Minister of Information<sup>130</sup>). Mnangagwa was deposed as Secretary for Administration – effectively the Party's Secretary General and fifth in the Party hierarchy - and replaced by Didymus Mutasa. He was given the post of secretary for legal affairs (12th in the Politburo hierarchy) displacing Patrick Chinamasa who was to deputise him thereby becoming a junior member without voting rights.

The President explained the measures as follows:

*Those who were suspended will remain suspended and will be disciplined by the national chairman, while their vacancies will be filled in the future... There is everything wrong when chairpersons of the Party go and meet secretly without the knowledge of the leadership of the Party, and worse still, what would they be discussing there? There is no party run like that.... When the war was fought, we fought as one on all fronts.<sup>131</sup> We didn't ask guerrillas where they came from, asivana Mafikiꜱolo ndovaakuti uyu anobva kwakati? Uyu anobva kwakati? (but the newcomers would ask "you come from where? you come from where?) and so on. They should know we are non-tribalists and non-regionalists.<sup>132</sup>*

The earlier caveat that this narrative of events is drawn largely from the account of Jonathan Moyo is worth repeating. The Mujuru camp certainly had a different view of events. Far from seeing the proposal, that one a vice-president be a woman, as being a "sudden" sensitivity to gender issues, they pointed to the fact that the proposal had been made ahead of the Congress in 1999 and that they had gone to the extent of threatening to boycott that Congress if their demand was not met. Having seemingly belatedly achieved their objective ahead of the 2004 Congress, intensive lobbying then took place to ensure that Joice Mujuru assumed this reserved post, which would be confirmed as such at the 2004 Congress. The elevation of Mujuru thus merely required formal endorsement at Congress and was not a late and hastily conceived ploy to undermine the Tsholotsho plotters. Indeed the contrary is advanced as the case – the Tsholotsho Declaration was a ploy to undermine Mujuru's almost certain ascendancy and compelled the precipitate change to the party constitution.<sup>133</sup>

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<sup>128</sup> This is the only time Mugabe has hinted at his preference for a successor, and is a comment he later came to regret (see below).

<sup>129</sup> July Moyo (Midlands; also Minister of Energy), Mark Madiro (Manicaland), Daniel Shumba (Masvingo), Jacob Mudenda (Matabeleland North), Lloyd Siyoka (Matabeleland South), and Thomas Ncube (Bulawayo).

<sup>130</sup> In February, 2005.

<sup>131</sup> A singularly ahistorical statement given the extended and vain efforts of the Frontline States to get the Mugabe's ZANLA forces to co-ordinate with Joshua Nkomo's ZIPRA cadres.

<sup>132</sup> Quoted in the Zimbabwe Mirror *Mugabe Fires Moyo* 18.12.04. ZANU PF prevented Moyo from standing again as MP in Tsholotsho by claiming that the seat was reserved for a woman. When Moyo defied the directive he was dismissed from the Party winning the seat as an independent.

<sup>133</sup> The Mujuru camp also disputes that Mnangagwa had the support of most of the provinces at this juncture.

The Tsholotsho saga continues to reverberate through ZANU PF's succession and internal politics. Several issues arising from the saga require comment for present purposes.

### *The Dissolution of the DCCs*

The disbanding of the DCCs may also be viewed as part of the Tsholotsho leitmotif. Several analysts have suggested that the dissolution was at the instigation of the Mujuru faction, who once again used the ruse of a constitutional amendment to undermine the Mnangagwa faction, whose supporters had won the majority of places on these committees.<sup>134</sup>

### *The Power of the Politburo*

Although ZANU PF has been structured in a manner which allows the choice of successors to the Presidium to be extremely democratic, the actual process is best described as “*guided democracy*”,<sup>135</sup> with President Mugabe at the tiller and the Politburo as the crew. The Politburo had no power to amend the ZANU PF Constitution to mandate a female vice-president or to change the composition of the Provincial Electoral Colleges. That power lies with the Central Committee (subject to ratification by Congress) and the Congress itself. The Congress nonetheless ratified the changes which had been unlawfully made by the Politburo to accord with Mugabe's intentions and strategy.<sup>136</sup> The Politburo also had no power to suspend the Provincial Chairpersons, and the National Chairman no power to discipline them.

In the role of implementer of the President's policies, using procedures often outside the confines of the Party Constitution, the Politburo has become enormously powerful since Tsholotsho. Rather than the Congress controlling the Central Committee, the Central Committee controlling the Politburo and the Politburo directing the Presidium, the flow of power is in precisely the opposite direction. ZANU PF spokesman, Rugare Gumbo, has candidly stated that “*The politburo is the policy-making body outside congress.*”<sup>137</sup> The Politburo thus has arrogated a number of powers to itself:

- to remove and replace provincial chairmen; dismiss members of PCC;
- to reject nominees to the Central Committee by the PCCs;<sup>138</sup>
- bar individuals from contesting for the post of Provincial Chairperson;<sup>139</sup>
- cancel polls of Party structures;<sup>140</sup>
- and, even gone so far (as will be seen) as to claim the power to control and veto nominations for the Presidium from the Provinces.<sup>141</sup>

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<sup>134</sup> *DCCs Disbanded Over Succession: ZANU PF* The Daily News 08.07.12 and *Mugabe Flies Into Zanu PF Storm* above.

<sup>135</sup> The phrase “guided democracy” or “managed democracy” was first used in relation to the Indonesian style of governance which prevented the electorate from having a significant impact on governmental policies. It has been adopted by commentators on ZANU PF's succession politics – see for example Brain Mangwende *Nominations Expose Deep Divisions in ZANU-PF* Financial Gazette 20.11.09 and by Mujuru herself – see below.

<sup>136</sup> In this regard comments made by the US Ambassador, Christopher Dell, to Zimbabwe revealed in Wikileaks cable O4HARARE14 seem ill-informed and naïve: “*The Party showed itself capable of following its processes in an orderly (and yes, even somewhat democratic) manner in conducting what was a fractious contest for an important position. Different factions and figures all participated in a remarkably inclusive process. We are unaware of evidence that President Mugabe stepped in to exert decisive influence; quite the contrary, several insider reports indicated that Msika resisted Mugabe's (and others') efforts to get him to relinquish his VP seat and that Mugabe otherwise kept above the fray.*”

<sup>137</sup> See *Mugabe Succession Game Plan Exposed* The Standard 29.04.12. As outlined above, the Politburo is the Secretariat of the Central Committee. It is this 240 member body, not the 29 voting members of the Politburo which is to exercise the powers of Congress when Congress is not in session.

<sup>138</sup> See *Faction-riddled Byo Elects Central Committee Members* The Zimbabwe Independent 28.10.10.

<sup>139</sup> See, for example, *Mugabe Blocks Chiyangwa's Election Bid* <http://www.radiovop.com> 04.11.11.

<sup>140</sup> See, for example, *Probe, Nullify Disputed DCC Polls: Politburo* The Herald 17.05.12 and *Politburo Orders Re-run of Disputed DCC Elections* <http://www.thezimbabwemail.com> 16.05.12.

None of these powers is vested in the Politburo by the Party's Constitution.

### *The Powers of the President*

The ZANU PF-controlled State media presents Robert Mugabe's retention of the Presidency as being the result of an unchallenged consensus within ZANU PF. Similarly, the overview of the Tsholotsho saga, outlined above, might tend to give the impression that after these events he was entirely secure within the Party. This is not the case, and, at times, his hold on power has been tenuous.

The confluence between the State and Party Presidium has already been noted. A similar and extremely important conjunction exists with the appointment, by the President, of members of the Central Committee to the Politburo, and the appointment of the same individuals as Ministers in Government.<sup>142</sup> When Mugabe's power as state premier was increased through constitutional changes which saw him assume the post of President, rather than Prime Minister, in 1987, similar changes appear to have been echoed in the party Constitution. Possibly, to avoid the side-lining of favoured cadres as had been threatened in 1984, Mugabe was given the power to appoint the Politburo from Central Committee members, and the post of Secretary-General was abolished and the power of that position transferred to the President as "First Secretary". That these powers allow the President to control the Politburo was plainly evident during the Tsholotsho saga, if they had not been before.<sup>143</sup> The President further strengthened his ability to exercise control over the Party through the Politburo, by (apparently unilaterally and unconstitutionally) increasing the size of this body to 51 members.<sup>144</sup>

These unconstitutional actions and the centralisation of power at the top echelons of the Party hierarchy caused considerable disgruntlement in the Mnangagwa camp at lower levels of the Party structure.<sup>145</sup> It is significant that, despite the pressure brought to bear, only six Provinces eventually endorsed Joice Mujuru as the nominee to be elected by the December Congress of 2004. Four Provinces (Bulawayo, Matabeleland South, the Midlands and Masvingo) remained obdurate, also refusing to nominate John Nkomo (who would complete the Ndebele/PF ZAPU balance) as National Chairman, and persisting, in line with the Tsholotsho principles, to nominate Chinamasa (a Manyika) for this post.<sup>146</sup> The defiance from the Bulawayo PCC was complete, with this Province refusing even to nominate a woman as vice-president as the other rebellious Provinces had done in accordance with the directive from the Politburo.<sup>147</sup> They also refused to nominate several of President Mugabe's preferred candidates to the Central Committee.<sup>148</sup> An angry Mugabe and members of the Politburo exerted extreme pressure in a vain attempt to try to bring the Bulawayo PCC into line.<sup>149</sup>

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<sup>141</sup> ZANU-PF Politburo Endorses Presidium for Zimbabwe The Herald 07.12.09.

<sup>142</sup> Previously appointed in terms of section 31D of the State Constitution, and now in terms of section 104(1) of the new constitution.

<sup>143</sup> Late ZANU PF legal guru Edison Zvobgo is quoted in a 2001 Wikileaks cable 01HARARE114 as stating "*The Party no longer acts as a check on the President's powers. Instead the Party is simply an instrument of the President. During the 1980s, the politburo was known to overrule Mugabe on policy matters, but now Mugabe is a 'majority of one' in the Party. Anyone who wants to survive must please the president by saying what he thinks Mugabe wants to hear.*" See also the quote from Jabulani Sibanda at the end of this paper.

<sup>144</sup> If the 2004 Congress introduced a constitutional amendment increasing the size of the Politburo it was not reported upon. The exact composition of the current Politburo could not be ascertained. Before the formation of the current government and the death of several members it was believed to comprise 58 members.

<sup>145</sup> An overt expression of this appeared on 16.09.06 in an article written by former CIO Operative, Central Committee Member and ZANU PF legislator Pearson Mbalekwa – *The Truth Behind Tsholotsho Declaration* The Zimbabwe Independent. Mbalekwa resigned from ZANU PF on 01.07.05 and formed the United Peoples Movement, which he claimed was a front for Mnangagwa – see Wikileaks cable 05Harare1591.

<sup>146</sup> Midlands and Masvingo.

<sup>147</sup> Thus proposing Mnangagwa and Msika for the posts.

<sup>148</sup> They included former ZAPU stalwart Dumiso Dabengwa and deputy political commissar Sikhanyiso Ndlovu.

<sup>149</sup> See *Mugabe Explodes* The Daily Mirror 23.11.04. In keeping with the political rhetoric of the time Mugabe accused the members of the Bulawayo PCC as being "*mischievous individuals misleading people by using money from white capitalists... Their*

Further indications of insecurity within the Party emerged in graphic fashion two years after the Tsholotsho saga. The saga, and Mugabe's apparent anointment of Joice Mujuru as the chosen successor at the Congress, led Mujuru to believe that her time was at hand and that Mugabe would not stand for election in 2008. Indeed the President had signalled that he did not wish to stand for election in 2008, but not in the manner that those seeking to occupy the presidency wished. Nonetheless, he proposed the "harmonisation" of Parliamentary and Presidential elections. While there was general consensus within the country that elections be harmonised,<sup>150</sup> the understanding was that the Parliamentary election, due in 2010, would be brought forward to coincide with the Presidential election, due in 2008, rather than the converse. The President, however, perhaps aware of his diminishing support within the Party as a candidate in 2008, sought, with the support of the securocrats, to postpone the Presidential election until Parliamentary elections were due.

Although Mugabe's plan to extend his term of office had been rebuffed by both the Politburo and Central Committee, he presented the scheme to the ZANU PF National People's Conference held at Goromonzi in December 2006. Following intensive lobbying by both the Mujuru and Mnangagwa factions, he found no takers for his proposal. To avoid embarrassing Mugabe, the Conference took the unprecedented step of not passing any resolutions and indicated that the suggestion had been referred to the PCCs. In the wake of this humiliation, Mugabe sent emissaries to the Provinces to gauge his support as Party candidate for the earlier election which he would now have to contest in 2008. Seven<sup>151</sup> of the ten Provinces were opposed to his candidacy, with three uncommitted or fence-sitting.<sup>152</sup>

Mugabe's view that his defeat in Goromonzi was part of Joice Mujuru's bid for the presidency appears to have been consolidated following the publication of Edgar Tekere's autobiography, *A Life Time of Struggle*. Mugabe claimed that Joice Mujuru had plotted with Ibbotson Mandaza, the publisher of the book, to denigrate his role during the "liberation war" to further her presidential ambitions. He launched a scathing attack on her during a February 2007 interview on the occasion of his 83<sup>rd</sup> birthday and stated:

*The Tekere/Mandaza issue, ah they are trying to campaign for Mujuru using the book...you can't become a president by using a biography. Manjevairasa (they have lost the plot). They don't realise they have done her more harm than good.*

To this, he added:

*The way to any post in the Party is through the people. It is not through n'angas (witch doctors). Others are using biographies. We do not take notice of that but we move along the path, the people's way.*<sup>153</sup>

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*actions are meant to sideline the old leadership of the Party through clandestine ways...."* The report suggests that Mugabe and members of the Politburo travelled to Bulawayo a week after the nominations to meet with the Provincial Chairman.

<sup>150</sup> Not only would the costs involved in two elections be avoided but since endemic violence had in the past accompanied each electoral period two electoral periods were generally seen as undesirable.

<sup>151</sup> In the absence of any other explanation, the subsequent unprocedural instruction from the Politburo that the Bulawayo PCC be dissolved and fresh elections held, seemed to be a result of particular obduracy from this province to Mugabe's plans – see *ZANU PF Purges Anti-Mugabe Provinces* The Standard 04.03.07.

<sup>152</sup> Mashonaland East, Harare, Matabeleland North, Matabeleland South, Bulawayo, Masvingo and the Midlands were against. The prevaricating provinces were thus Mashonaland Central, Manicaland and Mashonaland West. This view of events is given by Jonathan Moyo – see *Unravelling Zanu PF's Extraordinary Congress* The Zimbabwe Independent 28.09.07.

<sup>153</sup> *Mujuru Snubs Mugabe Bash* The Standard 26.02.07.

Further evidence of Mugabe's insecurity over this period is manifest in his decision to convene an extraordinary Congress at the end of 2007. The main purpose of the extraordinary Congress was to affirm Robert Mugabe as the Party Presidential candidate for 2008, which, given that this is a routine duty of the National People's Conference, could hardly be said to justify the need to bring together the reported 10 000 delegates to the Congress.<sup>154</sup> To the extent that Mugabe had been "elected" to the Presidium by Congress in 2004, and declared the Party candidate for national elections by successive National People's Conferences, this move, if not outside the provisions of the ZANU PF Constitution (and procedurally flawed), ought certainly to have been viewed as superfluous. It seemingly had no purpose other than for Mugabe to counter those positioning themselves for his job. The ZANU PF-controlled Herald newspaper sought to justify the Congress by claiming, wrongly, that ZANU PF's Constitution required an extraordinary Congress to be held whenever the election for State President falls within a serving (ZANU PF) president's term.<sup>155</sup> Since the Central Committee sets the agenda for any Congress, and the approval of at least one third would have been required to convene the Congress, it is clear that Mugabe had the support of Central Committee members for this strategy. Delegates appeared at the Congress in T-Shirts bearing slogans such as "*We support President President Mugabe 100 percent*", "*The People's Choice*" and "*Cde President Mugabe for 2008*".

To complement the objectives of the extraordinary Congress, the previously disgraced (and still apparently suspended) Jabulani Sibanda organised "a Million Man March" in support of Mugabe ahead of the Congress.<sup>156</sup> Although ostensibly a demonstration to show support for Mugabe, despite "western powers' opposition to his rule",<sup>157</sup> the real audience was obviously intended to be those within ZANU PF opposed to President Mugabe's candidacy.

Many of those opposed to Robert Mugabe's candidacy expressed their views through the ballot box in March 2008. In what was called Operation *Bhora Musango* (ball in the bush, or putting the ball out of play),<sup>158</sup> many ZANU PF MPs were said to have encouraged their constituents to vote for ZANU PF in the Parliamentary elections, but to withhold their vote from Mugabe in the presidential race.<sup>159</sup> Mugabe is said to have blamed these "divisions" in the Party for his defeat.

Ahead of the 2013 elections, however, ironically precisely because of Mugabe's age when considered against constitutional configurations, as noted at the outset of this article, his position and candidacy was supported by all factions, thus lending him a veneer of security and widespread support.

### *The Congress of 2009*

These fissures and dynamics were all apparent in the ZANU PF Congress of December 2009, preceded once again by the death of a vice-president, this time Joseph Msika, in August of that year. Mugabe and the Politburo initially sought to control the succession process by directing that only the three Matabeleland provinces should submit nominations for the vacant position of "ZAPU" Vice-President.<sup>160</sup> While this may have satisfied that Ndebele sector within ZANU PF still smarting at the imposition of the ZAPU (but Zezuru), Msika, the division around the contentious issue of reserving

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<sup>154</sup> The figure given by the Herald is probably exaggerated by several thousand – see *Congress Endorses President* The Herald 14.12.07.

<sup>155</sup> There was no such Congress ahead of the 2013 poll.

<sup>156</sup> On 30.11.07. An embarrassing clash subsequently occurred at the Congress, broadcast on State television, when John Nkomo, Vice President and head of the National Disciplinary Committee which had suspended Sibanda, tried to stop Sibanda's uninvited unscheduled attempt to make a speech from the podium – see *Mugabe Seethes as Sibanda and Nkomo Clash at Congress* <http://www.newzimbabwe.com/pages/zanupf8.17297.html>.

<sup>157</sup> *Zim Vets in 'Million Man' Mugabe March* Mail & Guardian 30.11.07.

<sup>158</sup> I.e. kick the ball (Mugabe) off the playing field.

<sup>159</sup> *Let Us Draw Lessons From Our Mistakes: Mutasa* The Manica Post 21.01.12.

<sup>160</sup> See *Western Zim to Replace Msika* The Post (Zambia) 15.10.09.

two posts in the Presidium for ZAPU members emerged once more. Violence broke out during the nomination process at some PCCs.<sup>161</sup> Of the three, only the recently “purged” Bulawayo Province agreed to nominate Mugabe’s preferred candidate, John Nkomo, for the post. The Politburo was compelled to open up the process to all ten Provinces.<sup>162</sup> This allowed the divisions that had characterised the Tsholotsho saga to re-emerge. It was also a graphic illustration of further attempts at guided democracy which had characterised the elections to the Presidium at the 2004 Congress.

Midlands and Masvingo declined to immediately endorse the Presidium preferred by the Politburo, with Mugabe and Mujuru retaining their posts, and John Nkomo and Simon Khaya Moyo (an Ndebele) as Vice-President and National Chairman (to replace the elevated Nkomo) respectively. Masvingo once again showed further recalcitrance by proposing that Oppah Muchinguri (a Manyika) replace Joice Mujuru as Vice-President, but accepting the nominations of John Nkomo and Kembo Mohadi (from Matabeleland South, and Venda rather than Ndebele) as National Chairman. The Manicaland and Mashonaland Central PCCs also defied the Politburo by advancing Didymus Mutasa (a Manyika) as National Chairman.<sup>163</sup> On account of these disputes, and nervous of possible attempts to nominate alternate candidates from the floor, the President summonsed all PCC chairmen to Harare<sup>164</sup> in an attempt to “whip them into line” before the Congress.<sup>165</sup> Masvingo and Mashonaland Central bowed to the political pressure and altered their nominations to reflect those of the other provinces. Manicaland stood its ground,<sup>166</sup> refusing to rescind the nomination of Mutasa for the post of National Chairman.<sup>167</sup>

The positions of the Provinces were informed by intense lobbying and horse-trading behind the scenes. The Mujuru-faction initially wanted to have Robert Mugabe, Joice Mujuru, Naison Ndlovu, and Obert Mpfu for president, co-vice-presidents, and party chair respectively. Emmerson Mnangagwa had reportedly agreed to support John Nkomo for the vice-presidency on the understanding he would support Mnangagwa as party chairman, abandoning the precedent that this should be a ZAPU post. John Nkomo also indicated to Didymus Mutasa that he would not protest a non-ZAPU incumbent in the position, one that Mutasa coveted. The Mujuru line up faced strong resistance from the Provinces possibly on account of the fact that the ZAPU caucus had officially proposed John Nkomo and Simon Khaya Moyo. Accordingly, the Mujuru-faction shifted allegiance to John Nkomo before settling on Khaya Moyo as vice-president. Emmerson Mnangagwa decided that he had insufficient support to secure the post of party chairman, and deferred to Kembo Mohadi, leaving the Mnangagwa line up with Oppah Muchinguri and John Nkomo for the remainder of the Presidium. As this quicksilver pool of allegiances was mutating, some of the Provinces withheld their votes waiting to see which way the wind was blowing in order to avoid being isolated.<sup>168</sup> Thus, an interplay of political horse-trading, political pressure from the Politburo and party factions, and actual support within the Provinces resulted in single nominations for each post forwarded to Congress to be “elected”. The manner in which John Nkomo and Simon Khaya Moyo attained their positions within

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<sup>161</sup> See *Stalemate at ZANU PF Leadership Nominations* The Standard 14.11.09.

<sup>162</sup> *Zimbabwe's Matabeleland Declines to Nominate for Vice Presidential Slot* VOA News 14.10.09.

<sup>163</sup> See *Nominations Expose ZANU PF's True Colours* 04.12.09 and *Nominations Expose Deep Divisions in ZANU PF* 20.11.09 The Financial Gazette.

<sup>164</sup> In view of this, Mugabe’s subsequent statement bemoaning interference by the Politburo with Provincial leaders can only be seen as cynical – see *ZANU PF Provincial Chairs Laud President* The Herald 25.02.14.

<sup>165</sup> *Mugabe Tries to “Whip” Provincial Leaders into Line and Accept Nominations* Zimbabwe Metro 10.12.09.

<sup>166</sup> The Manicaland Provincial Chairman, Basil Nyabadza resigned over the issue, and threats of resignation also came from Provincial Chairs Lovemore Matuke (Masvingo) and the now late John Mafa (Mashonaland West). Significantly Mnangagwa aligned John Mafa’s election as Provincial Chairman in Mashonaland West was strongly opposed by “old guard” ZANU PF politicians Ignatius Chombo and Webster Shamu and “young Turk” Philip Chiyangwa was barred from taking up the post of vice-Chairperson by the Politburo – see *Chombo, Shamu on the Ropes* The Financial Gazette 08.06.12.

<sup>167</sup> Mutasa was subsequently appointed ZANU PF Administrative Secretary, 5th in the Politburo hierarchy.

<sup>168</sup> *Mnangagwa faction Crushed* The Zimbabwe Independent 20.11.09.

the Presidium was so far removed from the processes established by the party constitution that it led to considerable cynicism, with some describing the process as a mere “charade”.<sup>169</sup>

Following the death of John Nkomo in January 2013, Mugabe has once again been content to wait until Congress before filling the post, even though the party constitution requires that there be two vice-presidents.<sup>170</sup> Similar dynamics are thus expected to play out at the Congress at the end of 2014. If precedent is followed, as is likely, Simon Khaya Moyo will be elevated to the vice-presidency and the real battle will be for party chairman.<sup>171</sup>

### *The Provincial Executive Committee Elections of 2013*

With Mugabe having turned 90 in February 2013 and thus possibly considering not standing in the next presidential elections in 2018, and ZANU PF’s “elective”<sup>172</sup> Congress (held every five years) due at the end of 2014, the PEC elections at the end of 2013 could be seen as an overture for an impending succession battle. ZANU PF repeatedly denied that the chaos around the polls had anything to do with factionalism or the succession issue, stating that this perception was a media creation.<sup>173</sup> Although the disavowal was contradicted by Mugabe’s denunciation of factionalism after the polls, the fissures which were evident during the process did not always fit the allegiances preconceived by the press and could not always be slotted neatly into a Mnangagwa/Mujuru analysis.

An examination of the factionalism in the Provinces and the manner in which conflict between the groups has been approached is instructive for present purposes. Given the chronic nature of the factionalism in some Provinces, and the convoluted nature of the intrigues, plots, and counter plots, it is only possible to provide an outline of each here.

#### *a) Bulawayo & the Matabeleland Provinces*

In Bulawayo Metropolitan Province, as the central and most important Matabeleland Province, the PEC and PCC have played an important role in the choice of the “ZAPU” vice-president for ZANU PF, and with that post currently vacant, the chairpersonship of the PEC in the province has assumed even greater importance. Battles over the position became acute after December 2008 when Isaac Dakamela assumed the position of provincial chairperson.<sup>174</sup> The circumstances around Dakamela’s turbulent incumbency are edifying.

Within a matter of months of assuming office, Dakamela faced a vote of no-confidence from the DCCs, with allegations of corruption and mismanagement levelled against his executive.<sup>175</sup> Dakamela survived the attempted ouster with the help of Sikhanyiso Ndlovu, the Politburo member “in charge” of Bulawayo Province.<sup>176</sup> This was a pattern which was to repeat itself several times in the years ahead. In July 2010, Dakamela was suspended, by Politburo members from the Province, citing the theft of meat and groceries meant for ZANU PF’s 2009 Congress. When Ndlovu reversed the suspension, following an apology from Dakamela, PCC members began boycotting meetings headed by

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<sup>169</sup> See *Nominations Expose ZANU PF’s True Colors* fn 165 above.

<sup>170</sup> As noted the State Constitution presently makes this optional.

<sup>171</sup> *ZANU PF Bignigs Jostle for Positions* The Financial Gazette 05.06.14.

<sup>172</sup> As noted above the term “elective” is tautologous as all Congresses are, technically, elective. The media has deployed the term on account of incorrectly referring to National People Conferences (which are not elective) as Congresses.

<sup>173</sup> *ZANU PF Slams Violence* The Herald 31.05.13.

<sup>174</sup> Dakamela replaced McLoud Tshawe who did not seek re-election, leaving ZANU PF to join Dumiso Dabengwa’s revived ZAPU as did many other members of the regional executive.

<sup>175</sup> July 2009 – see *Factionalism Rocks ZANU PF in Bulawayo* The Standard 25.07.09.

<sup>176</sup> See *ZANU PF Bulawayo Infighting Intensifies* The Zimbabwe Independent 21.10.10.

Dakamela.<sup>177</sup> Dakamela in turn barred District Chairpersons from attending meetings when he learned that they intended to raise the issue of his leadership. Then, in November 2010, Bulawayo Politburo members petitioned Vice-President John Nkomo, and party chairman Simon Khaya Moyo, to intervene to resolve the question of Dakamela's chairmanship.<sup>178</sup>

These events took place against disputed appointments to fill seven vacancies in the Central Committee.<sup>179</sup> An initial list submitted by the Province, apparently comprising supporters of provincial heavyweight Obert Mpfu (then reported as being a Mujuru ally<sup>180</sup>) was rejected by the Politburo at the instigation of John Nkomo. When Dakamela and Sikhanyiso Ndlovu submitted a fresh list of Nkomo aligned nominees, the list was again rejected, this time by Simon Khaya Moyo.

Despite the ouster attempts, Dakamela remained in office. However, by 2012, Dakamela had fallen out of favour with the party youth, who repeatedly accused him of blocking their attempts, under the guise of ZANU PF's "indigenisation" policies, to take over properties in the province.<sup>181</sup> Aware that calling a PCC meeting would result in his removal, Dakamela simply refused to convene the body. The meeting finally took place without him and resolved that he be suspended, a decision Dakamela refused to recognise.<sup>182</sup> Sikhanyiso Ndlovu again sought to rescue Dakamela and reverse his suspension, claiming that only the Politburo had the authority to suspend a chairman.<sup>183</sup> Party Commissar, Webster Shamu, also visited the province likewise asserting that the PCC had no power to suspend Dakamela, and seeking to lift the suspension. He failed to do so in the face of stiff resistance from senior party officials in the Province. Killian Sibanda was installed by the PCC as acting Chairperson, and Shamu agreed that Sibanda would remain as such until the Dakamela issue was finalised.<sup>184</sup>

Killian Sibanda continued in this position, becoming substantive chairperson after elections in December 2012,<sup>185</sup> until the party youth also became disaffected with his leadership. Resultant divisions within the party resulted in physical clashes between rival groups in March 2013.<sup>186</sup> The Politburo thus decided to dispatch a "probe team" to Bulawayo to investigate "personality challenges" there.<sup>187</sup> The team, comprising Simon Khaya Moyo, Webster Shamu, and Didymus Mutasa, deposed Killian Sibanda as Chairperson, and appointed him as deputy to Callistus Ndlovu, a reported Khaya Moyo supporter.<sup>188</sup> Callistus Ndlovu proceeded to "co-opt" 50 members into the PCC including Dakamela<sup>189</sup>, and went on to win the controversial PEC elections at the end of 2013. As noted above, intense conflict between opposing groups resulted in the abandonment of the first attempt to hold the polls.<sup>190</sup>

Two aspects of these events are worthy of comment: one relating to the supposed factional loyalties of the protagonists, the other to the manner in which the disputes were resolved.

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<sup>177</sup> In August 2010 only 50 of an expected 150 members attended and in October 2010 only 30 of an expected 110 attended – see fn immediately above.

<sup>178</sup> *Presidium Petitioned Over Bulawayo Factionalism* fn 62 above.

<sup>179</sup> It has not been possible to determine why these vacancies were not filled at the 2009 Congress.

<sup>180</sup> *See Nkomo Clears Way for Mpfu's Impeachment* Newzimbabwe.com 11.12.09.

<sup>181</sup> See for example *Zanu PF Youths, Dakamela Clash Over Invasion* Newsday 01.07.11.

<sup>182</sup> On 24.03.12 – see *ZANU PF Bulawayo Provincial Chairman Suspended* The Herald 25.03.12. The meeting was reportedly attended by 100 PCC members including 14 Central Committee members.

<sup>183</sup> *ZANU PF Factionalism Reaches Boiling Point in Bulawayo* SWRadio 19.04.12.

<sup>184</sup> *Sibanda Remains Acting Chairman Says Shamu* The Herald 15.04.12.

<sup>185</sup> *Mpfu Consolidates Gains in Province* Newsday 19.12.12.

<sup>186</sup> *Melee at ZANU PF Byo Meeting* The Standard 10.03.13.

<sup>187</sup> *ZANU PF Dispatches Probe Team* The Herald 13.04.13.

<sup>188</sup> *See SK Moyo Consolidates Power Base* The Financial Gazette 25.04.13.

<sup>189</sup> *ZANU PF Factional Battles Intensify in Byo* The Zimbabwe Independent 07.06.13.

<sup>190</sup> *Zanu PF Faces Extinction in Bulawayo* The Zimbabwe Independent 30.11.12.

The turmoil in Bulawayo immediately after the 2009 Congress appears to have been a three-way struggle for influence between the late Vice-President John Nkomo, Obert Mpfu, and Simon Khaya Moyo, rather than part of a simple Mujuru/Mnangagwa dyad.

Hence, the dispute over the seven Central Committee vacancies referred to above resulted in the initial list being rejected by John Nkomo as comprising Mpfu-affiliates, and the subsequent list rejected by Khaya Moyo as comprising Nkomo-affiliates. The list of Nkomo candidates had been drawn up by Dakamela and Sikhanyiso Ndlovu, thus seemingly placing the two in Nkomo's camp,<sup>191</sup> but not clearly establishing any loyalty with regard to the Mujuru/Mnangagwa rivalry, as the affiliation of the late John Nkomo in regard to Joice Mujuru or Emmerson Mnangagwa was not easily ascertained. Recall that it was reportedly Solomon Mujuru who manoeuvred John Nkomo into the post of party chairman in 2004, thus placing him in pole position for ascendancy to the Vice-Presidency.<sup>192</sup> Yet when that position became vacant in 2009, ahead of the Congress, his appointment as such supposedly was supported by the Mnangagwa group and opposed by that of Mujuru.<sup>193</sup> This might suggest that John Nkomo, and thus Isaac Dakamela, were Mnangagwa-aligned – an impression strengthened by the support given to Dakamela by the controversial<sup>194</sup> Jabulani Sibanda.<sup>195</sup> Jabulani Sibanda, since his removal after Tsholotsho has consistently been reported as supporting Emmerson Mnangagwa. Yet there was seemingly marked tension between Dakamela supporter, Sikhanyiso Ndlovu, and Jabulani Sibanda.<sup>196</sup>

However, the probe team which descended on Bulawayo in 2013 comprised solely of Mujuru acolytes. Since they deposed the Mnangagwa-aligned Killian Sibanda<sup>197</sup> and his replacement Callistus Ndlovu almost immediately brought Dakamela back into the fold of the provincial executive, both Dakamela and Sikhanyiso Ndlovu<sup>198</sup> could be regarded as Mujuru-aligned, notwithstanding Dakamela's support from Jabulani Sibanda, and the latter's antipathy for Sikhanyiso Ndlovu. This characterisation of alignments is however contradicted by other reports in the very same newspaper which suggests this configuration. When reporting upon Nkomo/Mpfu rivalry in a different Province, Matabeleland North, Dakamela is referred to as a "close Mpfu-ally" who by then was seen as having switched allegiance to Mnangagwa.<sup>199</sup>

The alignment of Obert Mpfu is similarly confused. While allegedly at daggers drawn with John Nkomo,<sup>200</sup> Obert Mpfu reportedly worked in alliance (for influence in Matabeleland North) with Jonathan Moyo and Jacob Mudenda,<sup>201</sup> both casualties of Tsholotsho and assumed to be in the Mnangagwa-camp. But, very shortly before this, Obert Mpfu, initially supported by Mujuru in 2009

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<sup>191</sup> *Zimbabwe's Zanu PF Politburo Refuses Co-option of Nkomo Allies* fn 62.

<sup>192</sup> See above in the section on the Tsholotsho saga.

<sup>193</sup> The Mujuru configuration, however, subsequently supported Nkomo's elevation with their initial candidate for the post, Khaya Moyo, taking the post of Party Chairman - See *Mnangagwa Faction Crushed* The Zimbabwe Independent 20.11.09.

<sup>194</sup> Jabulani Sibanda's Million Man March had caused deep divisions within the party. Sikhanyiso Moyo had been reprimanded by Mugabe for snubbing the March – see fn 200 below.

<sup>195</sup> Dakamela had allowed Sibanda to address a meeting at the Bulawayo party headquarters – see *War Vets Chairman Condemns Dakamela Suspension* The Chronicle 09.07.10.

<sup>196</sup> See *Fury at Charamba-ordered Media Blackout on Mujuru, Gono and Ndlovu* newzimbabwe.com 11.12.09 and *ZANU PF Bulawayo Infighting Intensifies* fn 178 above.

<sup>197</sup> Killian Sibanda has in fact been described as aligned to Mpfu. However, by then Mpfu was regarded as having changed allegiance from the Mujuru to Mnangagwa camp – see immediately below in the text.

<sup>198</sup> Sikhanyiso Ndlovu also snubbed Sibanda's Million Man March, which seems to have been held to undermine Mujuru and *How Mugabe Secured His Candidacy* The Zimbabwe Independent 14.12.07.

<sup>199</sup> *Nkomo, Mpfu Battle for Power* The Zimbabwe Independent 08.07.10 and *Moyo, Mpfu in Stormy Succession Row* The Zimbabwe Independent 05.04.12.

<sup>200</sup> See *Nkomo, Mpfu Battle for Power* fn immediately above.

<sup>201</sup> See *Nkomo, Mpfu Battle for Power* fn 201 above.

for the post of Party Chairman, was reported to be part of the Mujuru-configuration.<sup>202</sup> However, in 2012, Emmerson Mnangagwa made an appearance at a large<sup>203</sup> “graduation and birthday party” for Obert Mpfu in Bulawayo, standing in for the “conspicuously absent” Party Chairman, Simon Khaya Moyo. Supposed arch-enemy, John Nkomo, gave a eulogistic address praising Mpfu. Khaya Moyo had now apparently replaced John Nkomo as Mpfu’s rival in the struggle for influence in the Matabeleland Provinces.<sup>204</sup> The press explained this by postulating that Obert Mpfu had played a key role to Joice Mujuru’s advantage in thwarting the Tsholotsho plotters, and felt that insufficient appreciation for his efforts had been shown by Joice Mujuru, causing him to switch allegiance.<sup>205</sup> By 2013, Obert Mpfu was being reported as aligned to Mnangagwa.<sup>206</sup>

The election for the post of provincial chair saw Callistus Ndlovu seeking to retain the post against challenges from his deputy, Killian Sibanda, and Douglas Ndlovu. Once again the poll was disputed with Sibanda claiming that 70% of voters were unable to cast a ballot due to their names not appearing on the voters roll.<sup>207</sup>

The picture which emerges from factionalism in Bulawayo is thus more one of shifting and cross allegiances in response to ephemeral political expediencies than one of fierce loyalty to either supposed Mnangagwa or Mujuru factions. Nonetheless, a leitmotif emerges of chairpersons being propped up or imposed by the Mujuru-dominated Politburo in the face of resistance from party structures and Politburo members in the province. Desultory attempts to use the party constitution as a starting point to resolve tensions by either opposing side falter in the face of sheer political muscle brought to bear, despite a 2012 party resolution not to impose leaders on party structures.<sup>208</sup> It is also worth noting that the advantages of incumbency are such that the sitting chairpersons, initially appointed rather than democratically elected, on two occasions went on to win provincial polls, despite the two being from opposing camps, and the elections taking place only a year apart from each other. The Mujuru-aligned Politburo ultimately succeeded in (unconstitutionally) imposing its will upon the Bulawayo PCC on all occasions.

Obert Mpfu’s influence in the region was reflected in the easy victory of his protégé Richard Moyo as Chair of Matabeleland North, Mpfu’s home province. In Matabeleland South, ahead of the poll, the “probe team” had seconded two former chairpersons to prop up Andrew Langa. Langa, seen as a Mujuru supporter retained the position of chairperson following the provincial elections.<sup>209</sup>

### *b) Manicaland*

The main protagonist in Manicaland dynamics is Didymus Mutasa, who was proposed as party vice-president in 2004 by those seeking Manica representation within the Presidium.<sup>210</sup> This, being in accordance, with the Tsholotsho Principles would seem to be discordant with Mutasa’s overt support for Joice Mujuru’s ascendancy to the presidency. However, Mujuru’s elevation from the “ZANU PF”

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<sup>202</sup> *Nkomo Clears Way for Mpfu Impeachment* 11.12.09 newzimbabwe.com.

<sup>203</sup> Reportedly attended by 10 000 people – see *Thousands Attend Mpfu Bash* Newsday 30.01.12,

<sup>204</sup> *Zanu PF Fights Over Key Posts* The Zimbabwe Independent 12.10.12.

<sup>205</sup> *Mpfu Popularity Lures ZANU PF Factions* The Zimbabwe Independent 15.06.12,

<sup>206</sup> *ZANU PF in Renewed Succession Battle* The Zimbabwe Independent 06.09.13.

<sup>207</sup> *ZANU PF Elections: The Good the Bad and the Ugly* fn 90.

<sup>208</sup> See *SK Moyo Consolidates Power Base* fn 190.

<sup>209</sup> One report suggests that the team sought to dislodge the Langa executive and this was resisted by the Mnangagwa faction, leading the report to place Langa in the Mnangagwa camp, contrary to most other reports – see *ZANU PF Moves to Heal Mat South Factional Rift* Daily News 15.06.13.

<sup>210</sup> Most stridently Basil Nyabadza.

vice-presidency would leave the way clear for Mutasa's own promotion.<sup>211</sup> Poor health, however, may scuttle any ambitions Mutasa may have in this regard.<sup>212</sup> Mutasa became Party Secretary for Administration after the Tsholotsho debacle, the fifth position in the hierarchy of the Politburo.

From 2010 to 2013, the Manicaland Provincial Executive was led by Mike Madiro (who had made a political come back after being deposed following Tsholotsho), and deputised by Dorothy Mabika. Following incessant squabbling amongst party cadres in the province,<sup>213</sup> allegations of fraud and corruption, reportedly instigated by Mutasa,<sup>214</sup> were used to force Mike Madiro<sup>215</sup> from the Chair of the Manicaland PEC in February 2013.<sup>216</sup> His replacement, Dorothy Mabika, only lasted two months as the acting-Chair when she too was forced from the post after she and Madiro were hauled before the courts on charges of stock theft.<sup>217</sup> Both Mabika and Madiro alleged that the charges, some arising from events over two years earlier,<sup>218</sup> were motivated by factionalism within the Province.<sup>219</sup> The two eventually were acquitted without being put on their defence.<sup>220</sup>

As these events unfolded, reports emerged of a secret meeting convened at the residence of Oppah Muchinguri (long alleged to have ambitions of being part of the Presidium<sup>221</sup>), and attended by Emmerson Mnangagwa's supporters (Patrick Chinamasa, Mike Madiro, and others) to draw up a petition to President Mugabe to have Mutasa removed as Secretary for Administration.<sup>222</sup> The Politburo, after receiving the petition,<sup>223</sup> then determined that the probe team, returned from its investigation of factionalism in Bulawayo Province, should proceed to Manicaland.<sup>224</sup> It did not help matters that the team comprised not only Mujuru loyalists, but Mutasa himself.<sup>225</sup> Following the team's visit, and recommendations made by it to the Politburo, John Mvundura and Retired Lieutenant-General Mike Nyambuya were installed as Chair and Deputy Chair respectively of Manicaland, but only after fierce clashes between Mutasa and Chinamasa in the Politburo over the probe team's report.<sup>226</sup>

These events took place shortly before ZANU PF's primary elections for the July 2013 election, which were all the more fiercely contested as a result. The primaries manifested clear divisions along established fault lines with those in the Mnangagwa-camp standing against those loyal to Mutasa and Mujuru. Joice Mujuru forced Christopher Chingosho, who had intended standing against Mutasa, to retire from the race, claiming that Mutasa was "too senior" to have to compete for a seat, while Mike

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<sup>211</sup> A view held by several commentators - see for example *ZANU PF Big Wigs Jostle For Positions* The Financial Gazette 05.06.14. His promotion is now more likely to come as a consequence of National Chairman Khaya Moyo becoming second vice-president.

<sup>212</sup> *Didymus Mutasa III* Newsday 26.03.14.

<sup>213</sup> See for example *Infighting Rocks ZANU PF in Manicaland Province* SWRadio 16.04.12 and *Divisions Rock ZANU PF in Manicaland* Daily News 06.01.13.

<sup>214</sup> *Knives Out for Mutasa in Manicaland* The Standard 07.04.13.

<sup>215</sup> Madiro was one of six provincial leaders suspended in 2004 after the Tsholotsho Declaration - see below.

<sup>216</sup> By resolution of the Politburo on 03.05.13 communicated by Mutasa by letter dated 04.05.13 and see *Madiro probe Sends Jitters Within ZANU PF* The Standard 10.02.13.

<sup>217</sup> *ZANU PF Suspends Acting Chairperson Mabika* The Herald 05.05.13.

<sup>218</sup> Charges against Mabika and Madiro involved 10 cows that were intended to be slaughtered for ZANU PF's 21st February Movement hosted by Manicaland in 2012. Mabika also faced additional stock theft charges dating from September 2011 where she is alleged to have stolen six cows donated to ZANU PF.

<sup>219</sup> See *Mabika Stock Theft Trial Begins* The Herald 10.05.13.

<sup>220</sup> *Madiro, Mabika Acquitted* The Herald 16.06.13.

<sup>221</sup> *Mujuru Wary of Muchinguri Challenge* The Zimbabwe Independent 30.05.13.

<sup>222</sup> *Knives Out for Mutasa in Manicaland* The Standard 04.07.13.

<sup>223</sup> *Battlelines Drawn In Manicaland* The Herald 15.04.13.

<sup>224</sup> In the second week of April 2013.

<sup>225</sup> *Gumbo Speaks On Challenges in Manicaland* The Herald 20.04.13.

<sup>226</sup> See *Chinamasa, Mutasa in Show Down* The Zimbabwe Independent 10.05.13. Interestingly, the report states that Mujuru and Mnangagwa did not involve themselves in the argument.

Madiro, despite being cleared of the criminal charges against him, was barred by the Politburo<sup>227</sup> from standing in the primaries.<sup>228</sup> Ahead of the election itself, Mutasa, and his long standing ally, Basil Nyabadza, went so far as to attempt to block the Zimbabwe Election Commission from accepting the nomination papers of Patrick Chinamasa. Chinamasa had defeated Nyabadza (who disputed the poll) in the primaries.<sup>229</sup>

When the PEC elections took place at the end of October, the Mnangagwa-aligned contestant, Monica Mutsvangwa, standing against the probe team imposed John Mvundura, withdrew from the race. She claimed that the contest was hardly fair with Mvundura superintending the poll, a shambolic voters roll, districts where she had most support starved of ballot papers, and widespread intimidation.<sup>230</sup> Mutsvangwa subsequently unsuccessfully appealed to the Politburo, despite the fact that the elections had been supervised by Mnangagwa, who gave them a clean bill of health.<sup>231</sup> As a coda to this saga, in June 2014, Mutasa purported to remove Mutsvangwa from the Central Committee, claiming that this was a constitutional requirement<sup>232</sup> on account of her having stood in the PEC election.<sup>233</sup>

### c) Midlands

Midlands is the home province of Emmerson Mnangagwa, and thus seen as a stronghold of his support. Since 2009, the contest for the Chair of Midlands Province has pitted July Moyo against Jason<sup>234</sup> Machaya. The media may not always be accurate in its enthusiasm for characterising all such intra-party rivalry as one of Mujuru versus Mnangagwa factions. The competition for this post was likewise depicted as a Mujuru-aligned, July Moyo, against a Mnangagwa-aligned, Jaison Machaya.<sup>235</sup> July Moyo, however, was one of the six provincial chairpersons deposed after Tsholotsho, and clearly Mnangagwa-aligned.

In March 2009, Jaison Machaya's son, Farai, murdered an MDC-T activist. The relatives refused to collect the body for burial until the Machaya family apologised and made reparations, an issue exploited<sup>236</sup> relentlessly by the Mnangagwa-faction.<sup>237</sup> The criminal trial relating to the murder ended in 2011, with Farai Machaya and his co-accused sentenced to 18-year prison terms.<sup>238</sup> As these events unfolded, and with an uncertain nexus to the events, Jaison Machaya was reported to have incurred the displeasure of those in the Mnangagwa-camp by shifting allegiance to Joice Mujuru.<sup>239</sup> Machaya had also been appointed as Provincial Governor, and those opposed to his chairpersonship argued that he could not and ought not to occupy both positions simultaneously.

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<sup>227</sup> See *Madiro Pours His Heart Out* The Financial Gazette 04.07.13.

<sup>228</sup> *Chaos Rocks ZANU PF Ahead of the Primaries* The Standard 26.06.13.

<sup>229</sup> *Madiro Vows to Fight Old Mutasa* Nehandaradio.com 29.06.13

<sup>230</sup> *ZANU PF Elections Results Expected Today* The Herald 28.10.13.

<sup>231</sup> See fn immediately above. In fact all Politburo members charged with superintending the polls in each Province claimed, in the face of obvious facts to the contrary, that the polls had proceeded smoothly.

<sup>232</sup> This was possibly on the basis of a deliberate misinterpretation of section 33 of the ZANU PF Constitution, which is to the following effect. “*Any member of the Party other than Provincial Chairmen, who is elected or appointed a member of the Central Committee, shall automatically cease to hold office in any subordinate organ of the Party. Where a vacancy occurs in the organ as a result of this provision, a by-election or co-option, as the case may be, shall be held or done to fill that vacancy.*” Mutsvangwa was not elected as Chairperson, and in any event such office holders are specifically excluded from the provision.

<sup>233</sup> *I Want to Teach Mutasa a Lesson: Mutsvangwa* Newsday 02.06.14.

<sup>234</sup> Sometimes spelled Jaison.

<sup>235</sup> See *Factionalism Hits ZANU PF Midlands Province* Zimeye.org 08.12.10.

<sup>236</sup> See *Midlands Centre of ZANU PF Faction Fights* Newsday 31.03.2014.

<sup>237</sup> This is contrary to Shona cultural beliefs, and believed to invoke the ire of a vengeful spirit an Ngozi, who was then said to have appeared where the murder was perpetrated.

<sup>238</sup> See *Minister's Son Jailed 18 Years For Murder* The Herald 28.09.11.

<sup>239</sup> *ZANU PF Hawks bay for Machaya Blood* Newsday 26.07.11.

The 2013 poll for the Provincial leadership set Machaya against Mnangagwa-loyalist, Larry Mavhima.<sup>240</sup> Once again the poll was disputed. Mavhima alleged manipulation of a vote he had been winning and a shambolic voters' roll. Although winning the much delayed poll, Machaya's supporters also cried foul and submitted a dossier to the Politburo detailing allegations as to the Mnangagwa-factions attempt to rig the election. The response by the Mnangagwa-faction, which included Emmerson Mnangagwa's wife, Auxilia, was to object to the dossier as defamatory, and to file a \$50 million defamation suit in Zimbabwe's High Court.<sup>241</sup>

A heated and emotional Politburo meeting was convened on the 7<sup>th</sup> November, 2013, to resolve the issues arising from this poll and that of Manicaland. Emmerson Mnangagwa argued that the Central Committee be tasked to resolve the matter and not the Politburo. The following day, the Central Committee resolved that elections for the remaining provinces should be held simultaneously and in one day, and that "*mistakes made in the provincial elections that have been held so far should be pointed out and corrected*".<sup>242</sup> The resolution was not followed, as President. Mugabe, seemed to regard ultimate authority as lying with the Politburo<sup>243</sup>, and it was the Politburo which eventually determined the issue.<sup>244</sup>

Matters did not end there. A poll to fill provincial executive posts to be occupied by Youth and Women's League members on the 9<sup>th</sup> December, 2013 was annulled as flawed and chaotic. A second attempt to hold the elections dissolved into a physical brawl.<sup>245</sup> The posts were then subsequently filled by the Mnangagwa-faction without any vote being taken, purporting to implement a Politburo directive to select members from an obscurely compiled "basket of candidates".<sup>246</sup> The result was an executive which could not work with Jaison Machaya. The Political Commissar, the Mujuru-aligned Webster Shamu, then dissolved the executive at the end of January 2014, directing that Machaya and the heads of the Youth and Women's Leagues would manage the Province until the Politburo had decided how to proceed.<sup>247</sup> Mnangagwa's supporters responded by resolving to render the province "unmanageable" until the disputes around the provincial poll were properly resolved.

In March 2014, a meeting was convened at which Webster Shamu simply announced a new 120 member executive. How the members had been selected was not stated.<sup>248</sup> Given the total lack of transparency and democratic process, unsurprisingly the result was considerable disgruntlement amongst party cadres.<sup>249</sup>

#### *d) Mashonaland West.*

The key figure in Mashonaland West, until his death in 2014, was John Mafa, who had attained the provincial chairpersonship after his predecessor, Philip Chiyangwa,<sup>250</sup> resigned in July 2005 following charges of espionage against him.<sup>251</sup> In mid-January 2010, however, Politburo members Webster Shamu, Ignatius Chombo, and Nathan Shamuyarira moved against Mafa, calling a PCC meeting<sup>252</sup> at

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<sup>240</sup> Sometimes spelled as Mavima. July Moyo was also a contestant.

<sup>241</sup> The case was heard in Bulawayo in June 2014. The outcome is not yet known.

<sup>242</sup> On 08.11.13 during the 94th Ordinary Session of the Zanu-PF Central Committee .

<sup>243</sup> *Mujuru, Mnangagwa Square Off* The Zimbabwe Independent 15.11.13.

<sup>244</sup> *Politburo Passes Poll Resolution* The Sunday Mail 24.11.13.

<sup>245</sup> *Fist Fight at ZANU PF Polls* The Zimbabwe Mail 21.01.14.

<sup>246</sup> *Pro-Mnangagwa faction Snubs Shamu* The Zimbabwean 12.03.14

<sup>247</sup> *Midlands Installs ZANU PF Executive* The Chronicle 08.03.14.

<sup>248</sup> The list was apparently drawn up by Olivia Muchena, in charge of the poll in the Province and approved by the Politburo – see *Act Decisively on Graft* – president The Herald 15.02.14.

<sup>249</sup> *ZANU PF Midlands Poll Furore Deepens* Daily News 12.03.14.

<sup>250</sup> Mugabe's nephew and a highly controversial and flamboyant businessman.

<sup>251</sup> Chiyangwa was acquitted in 2005.

<sup>252</sup> Much to Mafa's objection, using his name to do so.

which a vote of no confidence in Mafa was passed. The dissention had apparently arisen over action taken by the provincial leadership over the composition of the Women and Youth Leagues. John Mafa and seven others were accused of failing to respect PCC resolutions on the issue.<sup>253</sup> Mafa has always been seen as a Mhangagwa ally. He was replaced by Robert Sikanyika who took over in an acting capacity.<sup>254</sup> Mafa refused to accept the suspension as constitutional, and when he thus subsequently attended a PCC meeting he was taken outside by party youths and severely assaulted.<sup>255</sup>

Mafa wrote to ZANU PF's then political acting commissar complaining about his treatment and appealed to the party's National Disciplinary Committee about his suspension. Mafa alleged that the Politburo was trying to take control of the Province.<sup>256</sup> When Robert Sikanyika died in a car crash in April 2011, Reuben Marumahoko, a firm Mujuru supporter, controversially was installed as acting Chairperson by Webster Shamu.<sup>257</sup> Attempts to hold elections for a substantive chairperson for the Province were reportedly postponed when it seemed that Mafa would win<sup>258</sup>, and with Mafa contending that any elections ahead of the determination by the National Disciplinary Committee relating of his suspension would be unconstitutional. With Mafa carrying the support of the six administrative districts in the province, Shamu unsuccessfully attempted to fill the top six positions in the province by "negotiation" rather than through elections.<sup>259</sup> Phillip Chiyangwa, who had sought to contest the poll, was barred by a directive from President Mugabe from standing in the elections.<sup>260</sup> When the poll was finally held in January 2012, Mafa, cleared by the Disciplinary Committee, beat Marumahoko resoundingly.<sup>261</sup>

The election did not put an end to the leadership battle in the province. The following March when Chiyangwa, successfully stood against Marumahoko for the deputy chairpersonship, the Politburo annulled his election.<sup>262</sup> Mafa claimed that Ignatius Chombo and Webster Shamu never accepted his election, and sought to undermine him at every turn, including attempting to impose Marumahoko as deputy chairperson, directing Mafa to "co-opt" Mujuru allies into the executive,<sup>263</sup> and setting the DCC leadership against him. Mafa wrote to the party chairman seeking to have the two censured.<sup>264</sup> The Province thus unsurprisingly was not spared the chaos that marred all the elections for provincial chairpersons at the end of 2013. By this time Chiyangwa had been allowed to stand in the election, but he lost to reported Mujuru-supporter, Temba Mliswa, in a controversial poll which saw police firing teargas to quell violent skirmishes arising out of factional loyalties and the non-appearance of some people on the voters' roll.<sup>265</sup> Although the poll took place just under two years since Mafa had been elected, he came a distant fourth, with less than a tenth of the number of votes garnered by Mliswa.<sup>266</sup>

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<sup>253</sup> *ZANU PF Divisions Deepen in Mash West* The Zimbabwe Independent 28.01.10

<sup>254</sup> *Mash West Squabbles Persist* The Financial Gazette 22.01.10.

<sup>255</sup> *Fist Fights Break Out at ZANU PF Meeting* The Independent 15.04.10.

<sup>256</sup> See *ZANU PF Divisions Deepen in Mash West* fn 251.

<sup>257</sup> *Swords Out for ZANU PF Post* Daily News 11.05.11.

<sup>258</sup> *ZANU PF Mash West Elections Put on Hold Again* The Weekly Mirror 12.11.11.

<sup>259</sup> *Top Post Up for Grabs at ZANU PF Indaba* The Zimbabwe Independent 01.12.11.

<sup>260</sup> On the basis of the espionage charges of 2004 – *Espionage Case Haunts Chiyangwa* The Zimbabwe Independent 11.11.11.

<sup>261</sup> 1255 votes to 513 see *Mash West Polls: Mafa Bounces Back* The Herald 22.01.12.

<sup>262</sup> On the basis that Chiyangwa had been demoted to an ordinary card carrying member following the espionage allegations. The decision was subsequently endorsed by the Central Committee – see *ZANU PF Nullifies Chiyangwa's Election* The Herald 30.03.12.

<sup>263</sup> *Infighting Sees Mafa Defying Shamu's Orders* The Standard 12.07.12.

<sup>264</sup> *Chombo, Shamu on the Ropes* The Financial Gazette 08.06.12.

<sup>265</sup> *ZANU PF Elections: The Good the Bad and the Ugly* fn 90.

<sup>266</sup> *5 Retained in ZANU PF Elections* The Herald 02.12.13.

### e) Mashonaland Central

In Mashonaland Central, factional tensions have been between Mnangagwa-aligned, Dickson Mafios, and the Governor of the Province, and now Minister of State for the Province, Martin Dinha. Once again the mutual antipathy between them manifested itself in disputed polls for the chair of the Province, where Mafios, as incumbent, was challenged by Luke Mushore. The delayed poll was replete with alleged irregularities. Although the Central Committee had determined that the vote take place in one day, by the end of voting six districts had not been polled. Amid claims of fake voter registers, different final tallies were advanced by rival candidates. Before the issue could be resolved, and with Mnangagwa supporters contending that the issue should be submitted to the Politburo to consider the election report, and to determine the way forward, Mujuru-supporter, Rugare Gumbo, declared that Mushore had been duly elected. Gumbo's announcement was aired on ZBC, the state controlled public broadcaster. The result was a highly public spat between Gumbo on the one side and Information Minister, Jonathan Moyo, and Presidential Spokesperson, George Charamba, on the other.<sup>267</sup> The acrimony also exposed factional divisions in the state controlled media, with reports in *The Herald* revealing it as clearly falling on the Mnangagwa-side of the divide. Moyo already, disenchanted with the ZBC, went on to dismiss the entire board of the ZBC.<sup>268</sup> This and other instances of Moyo's alleged deployment and control of the State media in ZANU PF's factional battles, led President Mugabe to openly denounce his Information Minister, calling him "the devil incarnate", and "a counter revolutionary".<sup>269</sup>

### f) Mashonaland East & Harare

The Mujuru-aligned, Ray Kaukonde, has long held the provincial chair in Mashonaland East, Joice Mujuru's stronghold.<sup>270</sup> His victory over Philemon Mutongi by over 21 000 votes, significantly more votes than the totals polled in any other Province, led Mutongi to allege that multiple voting had taken place and to refuse to accept the result, vowing to petition the party. Of all the polls that of Harare Metropolitan Province was probably the least controversial. Incumbent Amos Midzi easily defeated Jason Passade, who accepted the result.

### g) Masvingo

Masvingo has long been one of ZANU PF's most divided provinces with the initial battle for influence within the Province for an extended period being between Edison Zvobgo and Simon Muzenda. With the death of the two, and other party heavy weights within their respective camps,<sup>271</sup> the power struggle resolved into one between long time Mnangagwa stalwart, Josaya Hungwe, and Mujuru-aligned, Dzikamai Mavhaire.<sup>272</sup> The Mnangagwa-aligned, Daniel Shumba, had been dismissed as Provincial Chair after the Tsholotsho debacle in 2004. When he was readmitted into the party in 2012, riot police had to unleash police dogs on rowdy and disgruntled party youth at a party inter-district conference.<sup>273</sup> However, the Province appeared to remain in the Mnangagwa camp after Lovemore Matuke assumed leadership of the Province, successfully resisting an attempt by the Mujuru-aligned "probe team" to remove him and his executive in the first quarter of 2013.<sup>274</sup> Matuke,

<sup>267</sup> *Mugabe to Stamp His Authority to End Zanu PF Infighting* The Standard 18.11.13.

<sup>268</sup> *Mnangagwa Faction Seizes State Media Infrastructure* Zimbabwe Mail 17.11.13.

<sup>269</sup> *Moyo Devil Incarnate, Counter Revolutionary* VOANews 08.06.14.

<sup>270</sup> He was however, removed by Mugabe as provincial governor in 2008 following the general elections, which some believed was due to the Bhora Musango campaign (see above).

<sup>271</sup> Such as Stan Mudenge and Josiah Tungamirai.

<sup>272</sup> *Mavhaire, Hungwe Battle Over Control of Masvingo* The Standard 26.05.13. Each claimed seniority in the Province.

<sup>273</sup> *Chaos at Masvingo Mugabe Endorsement Meeting* The Zimbabwean 19.11.12.

<sup>274</sup> The intention was apparently to install Mwenzi East legislator Kudakwashe Bhasikiti and Tourism Minister Walter Mzembe to the provincial chairmanship and deputy chairmanship respectively and to include Brigadier Gibson

however, was nonetheless deposed ahead of the provincial elections after being suspended for signing the nomination papers for a second candidate for a parliamentary seat in the province, and thus unable to contest the provincial elections.<sup>275</sup> As with the other Provinces, the poll was marred by allegations of rigging, with the state of the voters roll once more a bone of contention, amongst other alleged irregularities.<sup>276</sup> And once more the police had to be deployed.<sup>277</sup> The disputed poll was won by the Mujuru-aligned, Callisto Gwanetsa.

### *An Overview of the Provincial Disputes*

At the heart of the problems which beset the provincial elections was the disarray within ZANU PF's party structures. As the party constitution provides that each tier within the party hierarchy is to be elected by delegates from the one immediately below, it is necessary that the lower tiers themselves be properly constituted in order to determine those eligible to vote. With the membership of each tier uncertain, disputed, or imposed, so too the voters' lists were likewise uncertain, disputed, or imposed. The intra-party electoral process thus became a ready mechanism for manipulation and through which factional rivalries could be played out.

The means by which electoral disputes were resolved and party positions determined within the Provinces is notable. In several instances elections were abandoned altogether and members of the provincial executive, including on occasion the chairperson, simply imposed by the Politburo, or the executive "co-opted" by the provincial chairperson.<sup>278</sup> In all cases, however, it was clear that the Politburo had arrogated to itself plenary control over provincial matters and the provincial leadership. Following the Tsholoshu affair, suspended war veteran, Jabulani Sibanda, declared:

*"The powers of the Presidium need to be checked. People cannot choose their Central Committee and parliament representatives anymore. If the powers of the Presidium are not checked there will be no democracy in Zimbabwe. The Presidium has usurped the powers of Congress, they are now the Congress and the Constitution of Zanu PF. Where then is the people's power?"<sup>279</sup>*

The words could now be aptly applied to the Politburo.

Despite manifest procedural chaos, significantly, none of the contestants chose to approach the civil courts (though extensive use has been made of the criminal courts to remove rivals). All disputes were referred to the Politburo. When the Mnangagwa-faction attempted a legalistic approach, and moved that the Central Committee, as the *de jure* supreme decision making body between Congresses, be seized with the disputes around the first group of elections in Manicaland and Midlands, the suggestion was implemented, but the Committee's resolution was simply politely noted and then ignored by Robert Mugabe and the Politburo. There was no attempt to involve the Central Committee when the deeply disputed polls in the remaining Provinces came under consideration by the Politburo. Mugabe appeared to have been given the role of adjudicator in the matter as both sides presented their grievances.

Despite the obvious merits of many of the complaints, Mugabe simply ordered that the results from the 2013 provincial polls in all Provinces were to be accepted. The Mujuru-faction, having secured the

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Mashingaidze and Nelson Mawema into the provincial executive. All are believed to be aligned to Mujuru – see *Masvingo Thwarts Resurgent Mujuru Faction* The Independent 24.05.13.

<sup>275</sup> ZANU PF Suspends Provincial Chair Matuke The Herald 18.10.13.

<sup>276</sup> Zanu PF Internal Wars Escalate as Chaos Mars Provincial Polls The Standard 01.12.13.

<sup>277</sup> In Gutu and Bikita following disturbances motivated by the absence of voters' names on the rolls – see *ZANU PF: The Good the Bad and the Ugly* fn 90.

<sup>278</sup> No women ever seem to have held the position.

<sup>279</sup> *Defiant Sibanda Slams ZANU PF Presidium* The Standard 09.01.05.

chairs of all except one Province (Matabeleland North), was obviously pleased with the outcome. Yet it cannot be said with certainty that the order was an expression of the President's preference for Joice Mujuru as a successor. The decision may equally have been one of political expediency. The polls had only been held after several failed attempts. It is unlikely that ordering re-runs would have resolved matters, and would, in all probability, have simply exacerbated the situation and led to further acrimony. Mugabe might also not have shared the belief that, with nine out of ten provincial chairpersons aligned to her, the presidency was "*in Mujuru's handbag*".<sup>280</sup> He is equally likely to have harboured the belief that ZANU PF realpolitik will ultimately be of greater import than the juridical niceties of the ZANU PF Constitution in deciding his successor.

Furthermore, it would be a mistake to assume that control of senior executive positions within of the Provincial Executive Committees, is tantamount to control over the PCCs, the Provincial Electoral Colleges for purposes of nominating candidates to the Presidium. In fact, the disputed elections have resulted in members of the PCCs in several Provinces refusing to accept the new leadership, particularly in Masvingo, Mashonaland Central, and Midlands. In the last of these provinces, "90% of the PCC" was reported as loyal to Emmerson Mnangagwa, despite the Mujuru-aligned, Jaison Machaya, securing the chair, and despite the other executive members being removed and replaced by the Politburo.<sup>281</sup> As the Herald itself noted, the provincial polls "... raised serious questions about the concept of internal democracy in the revolutionary party."<sup>282</sup>

## Conclusions

There is no reason to suppose that ZANU PF's internal democracy will not be equally if not more flawed when the stakes are higher, and internal democratic procedures should be applied to select the party's next president. Similar disputes may arise around the composition of the PCCs and their very legitimacy. If there is no president in place to arbitrate, Politburo may become locked in disarray with one faction perhaps insisting on a legalistic approach, while another may seek to determine the issue by the process of "guided democracy" – a remedy for the provincial polls suggested in precisely those terms by Joice Mujuru,<sup>283</sup> who ascended to the Vice-Presidency by such a "process".

Appointments to positions in the Provinces have also largely been determined by "guided democracy". Although there have been desultory allusions to the ZANU PF Constitution on occasions, raw political power has ultimately prevailed. The attempts to "guide" the selection of candidates to fill party positions have not always proceeded without obstruction or been entirely successful. As was seen in the selection of the Presidium in 2009, those seeking to guide the process nevertheless had to make several adjustments to their choices when faced with significant resistance from the Provinces.

In the past, President Mugabe has been the chief "guide" of the "democratic" process and when the Mujuru-aligned Politburo has not been able to impose its will due to opposition from those in the Mnangagwa-camp, his arbitration has been accepted. Mugabe's mediation may not be so readily accepted when the issue is one of deciding the next party leader.

The question also arises as to what will happen if it is necessary to select a new party and state president without Robert Mugabe as guide or arbiter. Several scenarios suggest themselves, based on the analyses above.

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<sup>280</sup> *Mujuru 'Has Presidency in Her Handbag'* Nehanda Radio 02.1.2.13.

<sup>281</sup> *Mujuru's Party Allies Meet Stiff Resistance* The Zimbabwe Independent 10.01.14.

<sup>282</sup> *ZANU PF: The Good the Bad and the Ugly* fn 90 above.

<sup>283</sup> See *Mujuru, Mnangagwa Square Off* fn 245.

The first is that the “Mnangagwa-faction” may seek to reinvigorate, activate, and enforce the electoral processes in the ZANU PF Constitution. These very processes have been altered significantly by Robert Mugabe, who moved a constitutional amendment to change the Provincial Electoral Colleges from the 44 member Provincial Executive Committee to the 100 plus Provincial Coordinating Committees to facilitate Joice Mujuru’s ascendancy. Ironically, it is possible that Mujuru now is in the ascendancy in the former but not the latter body. But as noted, this juristic approach may fail in the face of disputes concerning the composition of the PCCs. The costs and logistical difficulties of bringing such a large number of delegates together should the body be required to convene at short notice may also present difficulties. Following nominations by the PCCs, the elaborate process of endorsement by the National People’s Conference and “election” by Congress arguably needs to take place, and once again logistical problems may arise in attempting to do so within the given time constraints. All these processes will need to be completed within the 90 day timeframe set by the State Constitution.

In view of these difficulties, a second scenario may arise where the Central Committee exercises its power to amend the ZANU PF Constitution and establishes an expedited method of nomination.

Thirdly, the Mujuru Politburo may continue to arrogate to itself powers it does not have, as it has done under Mugabe, and, taking advantage of Mujuru’s likely interregnum incumbency at State and possibly party level, direct the nomination procedure. In these latter two instances (that of the Central Committee or Politburo assuming control) none of these bodies is likely to speak with one voice and the process may be susceptible to legal challenge or, worse, extra-judicial conflict.

These scenarios should not suggest that only the Mujuru-faction is capable of ignoring the party constitution. A report in May 2014, that military leaders were directing Mugabe to cancel the December 2014 Congress, so that the securocrats could manage the smooth transition of Mnangagwa into power, would not have struck some readers as beyond the bounds of possibility.<sup>284</sup>

Despite claims from ZANU PF functionaries that the ZANU PF constitution contains clear succession procedures, all the necessary ingredients are present for singular unpleasantness upon the demise of the head of state. This is probably something of which President Mugabe is all too aware. It is thus likely that he may seek to guide the process of his succession while he is still able. His difficulty is to do so without the party tearing itself apart in the process.

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<sup>284</sup> See *Mugabe to Cancel Succession Congress* The Telescope News 29.05.14. The same publication reported in January 2014 that Mnangagwa had been secretly sworn in as “shadow president” with Mugabe wanting the transition to take place before December 2015 at the latest, and possibly by May 2015.

**ANNEXURE A**  
**PROVINCIAL COORDINATING COMMITTEE**

**1. The Provincial Executive Council**

- 1.1. The Chairman;
- 1.2. The Vice Chairman;
- 1.3. The Secretary;
- 1.4. The Secretary for Finance;
- 1.5. The Secretary for Commissariat;
- 1.6. The Secretary for Security;
- 1.7. The Secretary for Transport and Social welfare;
- 1.8. The Secretary for Information and Publicity;
- 1.9. The Secretary for Legal Affairs;
- 1.10. The Secretary for Indigenisation and Economic Empowerment;
- 1.11. The Secretary for Production and Labour;
- 1.12. The Secretary for Health and Child Welfare;
- 1.13. The Secretary for Economic Affairs;
- 1.14. The Secretary for Education;
- 1.15. The Secretary for Gender and Culture;
- 1.16. The Secretary for Welfare of the Disabled and Disadvantaged Persons;
- 1.17. The Secretary for Land Reform and Resettlement;
- 1.18. The two other Committee members;
- 1.19. Five Members being the Chairperson, Vice Chairperson, Secretary, Treasurer and Commissar of the Provincial Women's League;
- 1.20. Five Members being the Chairperson, Vice Chairperson, Secretary, Treasurer and Commissar of the Provincial Youth League;
- 1.21. 15 Vice-Secretaries (deputy secretaries) for offices listed in sub-sections 1.3 to 1.17.

**2. Members of the Central Committee in the Province**

The CC comprises:

- 2.1. President and First Secretary;
- 2.2. Two Vice Presidents and Second;
- 2.3. The National Chairman of the Party;
- 2.4. 130 Members who shall be allocated to the provinces in such a way and manner that each Province shall have a proportionate quota or number having regard to the census population figures in the Province: Provided that the respective Provincial Coordinating Committees shall nominate the candidates in such a way and manner that each Administrative District shall have at least one member appointed to the Central Committee;
- 2.5. The Secretary for Women's Affairs;
- 2.6. The Secretary for Youth Affairs;
- 2.7. 17 Members representing the Women's League nominated by the League
- 2.8. 17 Members representing the Youth League nominated by the League at the National Youth Conference;
- 2.9. 10 Members nominated by the Presidency on account of their outstanding contribution to either the armed liberation struggle of the country and/or its development after Independence;

- 2.10. 10 Chairpersons of the Provinces who shall be ex-officio members;
- 2.11. 50 Members who shall be women allocated to the Provinces in such a way and manner that each Province shall have 5 members.

### 3. Members of the National Consultative Assembly in the Province

The NCA comprises:

- 3.1. Members of the Central Committee;
- 3.2. Members of the National Assembly of the Women's League.

The NAWL comprises:

#### 3.2.1. Heads of Departments:

The Heads of Department are:

- 3.2.1.1. The Secretary for Women's Affairs;
- 3.2.1.2. The Deputy Secretary for Women's Affairs;
- 3.2.1.3. The Secretary for Administration;
- 3.2.1.4. The Secretary for Finance;
- 3.2.1.5. The Secretary for Commissariat;
- 3.2.1.6. The Secretary for External Relations;
- 3.2.1.7. The Secretary for Security;
- 3.2.1.8. The Secretary for Transport and Social Welfare;
- 3.2.1.9. The Secretary for Information and Publicity;
- 3.2.1.10. The Secretary for Legal Affairs and Women's Rights;
- 3.2.1.11. The Secretary for Indigenisation and Economic Empowerment;
- 3.2.1.12. The Secretary for Production and Labour;
- 3.2.1.13. The Secretary for Health and Child Welfare;
- 3.2.1.14. The Secretary for Economic Affairs;
- 3.2.1.15. The Secretary for Education;
- 3.2.1.16. The Secretary for Gender and Culture;
- 3.2.1.17. The Secretary for Welfare of the Disabled & Disadvantaged Persons;
- 3.2.1.18. The Secretary for Land Reform and Resettlement;
- 3.2.1.19. The Secretary for Science and Technology;

#### 3.2.2 The Heads of Departments of the Provincial Executive Committee of the Women's League

##### 3.2.2.1 The Chairwoman;

##### 3.2.3.1 The Vice Chairwoman;

- 3.2.3.2 The Secretary for Administration;
- 3.2.3.3 The Secretary for Finance;
- 3.2.3.4 The Secretary for Commissariat;
- 3.2.3.5 The Secretary for Security;
- 3.2.3.6 The Secretary for Transport and Social Welfare;
- 3.2.3.7 The Secretary for Information and Publicity;
- 3.2.3.8 The Secretary for Legal Affairs and Women's Rights;
- 3.2.3.9 The Secretary for Indigenisation and Economic Empowerment;
- 3.2.3.10 The Secretary for Production and Labour;

- 3.2.3.11 The Secretary for Health and Child Welfare;
- 3.2.3.12 The Secretary for Economic Affairs;
- 3.2.3.13 The Secretary for Education;
- 3.2.3.14 The Secretary for Gender and Culture;
- 3.2.3.15 The Secretary for Welfare of the Disabled and Disadvantaged Persons;
- 3.2.3.16 The Secretary for Land Reform and Resettlement;

### 3.3 Members of the National Assembly of the Youth League

The NAYL comprises:

- 3.3.1 The Secretary for Youth Affairs;
- 3.3.2 The Deputy Secretary for Youth Affairs;
- 3.3.3 The Heads of Departments;

The Heads of Departments are:

- 3.3.3.1 The National Secretary for Youth Affairs;
- 3.3.3.2 The Deputy Secretary for Youth Affairs;
- 3.3.3.3 The Secretary for Administration;
- 3.3.3.4 The Secretary for Finance;
- 3.3.3.5 The Secretary for Commissariat;
- 3.3.3.6 The Secretary for External Relations;
- 3.3.3.7 The Secretary for Security;
- 3.3.3.8 The Secretary for Transport and Social Welfare;
- 3.3.3.9 The Secretary for Information and Publicity;
- 3.3.3.10 The Secretary for Legal Affairs;
- 3.3.3.11 The Secretary for Indigenisation and Economic Empowerment;
- 3.3.3.12 The Secretary for Production and Labour;
- 3.3.3.13 The Secretary for Health and Child Welfare;
- 3.3.3.14 The Secretary for Economic Affairs
- 3.3.3.15 The Secretary for Education;
- 3.3.3.16 The Secretary for Gender and Culture;
- 3.3.3.17 The Secretary for Welfare of the Disabled and Disadvantaged Persons;
- 3.3.3.18 The Secretary for Land Reform and Resettlement;

- 3.3.4 The Heads of Departments of the Provincial Executive Committee of the Youth League.

The Heads of Department of the PEC are:

- 3.3.5.1. The Provincial Chairman;
- 3.3.5.2. The Deputy Provincial Chairman;
- 3.3.5.3. The Provincial Secretary for Administration;
- 3.3.5.4. The Provincial Secretary for Finance;
- 3.3.5.5. The Provincial Secretary for Commissariat;
- 3.3.5.6. The Provincial Secretary for Security;
- 3.3.5.7. The Provincial Secretary for Transport and Social Welfare;
- 3.3.5.8. The Provincial Secretary for Information and Publicity;
- 3.3.5.9. The Provincial Secretary for Legal Affairs;
- 3.3.5.10. The Provincial Secretary for Indigenisation and Economic Empowerment;
- 3.3.5.11. The Provincial Secretary for Production and Labour;
- 3.3.5.12. The Provincial Secretary for Health and Child Welfare;

- 3.3.5.13. The Provincial Secretary for Economic Affairs;
- 3.3.5.14. The Provincial Secretary for Education;
- 3.3.5.15. The Provincial Secretary for Gender and Culture;
- 3.3.5.16. The Provincial Secretary for the Disabled and Disadvantaged Persons;
- 3.3.5.17. The Provincial Secretary for Land Reform and Resettlement.

**4. Provincial Executive Committees of the Women's League.**

4.1 This includes all the heads of department mentioned under the National Assembly plus all deputies to those heads.

**5. Provincial Executive Committees of the Youth League.**

5.1 This includes all the heads of department mentioned under the National Assembly plus all deputies to those heads.

**6. Party Members of Parliament from the Province.**

**7. The Chairpersons of District Coordinating Committees from the Province.**

**ANNEXURE B  
HISTORY OF THE ZANU PF PRESIDIUM**

**President**

Robert Mugabe            1987 – present

**Vice-President (ZAPU)**

Joshua Nkomo            1987 – July 1999  
Joseph Msika            December 1999 - August 2009  
John Nkomo              December 2009 - present

**Vice-President (ZANU)**

Simon Muzenda          1987 – September 2003  
Joice Mujuru            December 2004 - present.  
National Chairman.  
Joseph Msika            1987? - 1999  
John Nkomo              1999? - 2009  
Simon Khaya Moyo      2009 - present