



# Zimbabwe's 2023 Political and Economic Brief

By SALO, 14 December 2023



## Major Highlights of the Year.

- The Zimbabwe economy was in a crisis in the first half of 2023 mainly due to exchange rate and inflationary pressures but was more stable in the second half of the year, at least in terms of macro-economic indicators as domestic economic growth was projected to be at 5.5%.
- However, Zimbabwe remained in debt distress in 2023 with the debt amounting to US\$ 17.7 billion translating to 81.3% to the GDP by Government figures and to over 100% of the GDP by World Bank figures. Consequently, Zimbabwe also made some progress in setting up the framework for the Arrears Clearance, Debt Relief and Restructuring Strategy but has struggled in instituting governance reforms central to the success of the program.

- A worrying trend is that the economic growth has failed to translate into lower poverty, vulnerability, and food insecurity rates. The population living in extreme poverty has remained high in Zimbabwe with 40% of households moderately or severely food insecure.
- Amidst the livelihoods crisis the government proposed a ZWL 58.2 trillion 2024 national budget on 30 November 2023, which is 'anti-industry' and 'anti-people' due to a raft of taxes that will hit the poor people the most.
- The Al Jazeera documentary and the Sentry report were some of the major highlights of the year which revealed endemic corruption haemorrhaging the economy. The investigations revealed alleged illicit financial flows, gold smuggling by those linked to ruling party elites in government, corruption, tax evasion and offshore financial facades and money laundering.
- Human rights violations and the use of violence as a technology of rule by ZANU PF and the state continued in 2023. The general environment in the country during the pre-election period seemed peaceful. However, violence surged after proclamation of the election day on 31 May 2023 and reached the peak in the election month of August 2023 and has continued in the post-election period.
- Zimbabwe held a general election on 23-24 August 2023 that was condemned by SADC and Western Observer Missions for failing to meet national, regional and international principles and guidelines governing democratic elections.
- Emmerson Mnangagwa won the presidency with a narrow 52.6% of the vote and his ruling ZANU PF party won an absolute majority in parliament in the controversial general election.
- Sengezo Tshabangu, a self-appointed Secretary General of the opposition Citizens Coalition for Change (CCC) recalled 14 members of the National Assembly (9 directly elected constituency MPs, 5 women's quota MPs and 1 youth quota MP), 9 senators and 17 councillors from their positions arguing that they had ceased to be members of the CCC. The recalled MPs challenged this in court but lost to Tshabangu.
- ZANU PF won the subsequent by elections held on 9 December 2023 and is now three seats away from having a two thirds majority in the national assembly with 184 seats (144 directly elected through first past the post, 33 proportional representation for women and seven youth quota) out of 280 seats.
- However, ZANU PF cannot have two thirds majority in the Senate as calculations are based on the 23-24 August 2023 outcome. ZANU PF only has 33 out of 80 senators and is 21 short of two thirds majority. It will need to negotiate with the two Senators representing people with disabilities, 18 traditional leaders and at least one MP from the CCC to pass a constitutional amendment bill.
- Zimbabwe further witnessed deepening authoritarian consolidation characterised by the introduction of a harsh regulatory framework leading to the closure of the democratic space for Civil Society Organisations and citizens. The President signed the Criminal law (Codification and reform) amendment bill (aka Patriot Bill) and reintroduced the draconian PVO Private Voluntary Organisations (PVO) Amendment Bill in parliament.
- The South Africa Government granted an exemption to approximately 178 000 Zimbabwe nationals for a period of two years in terms of section 31 (2) (b) of the Immigration Act of 2002. This was after the Minister of Home Affairs 's decision to terminate the permits was ruled out by the High Court. The new exemption permit to be issued upon application will expire on 29 November 2025.
- Meanwhile, South Africa continued with the militarisation and securitisation of its borders as President Ramaphosa launched the Border Management Authority to curb undocumented migrants. However, as we have observed in Europe this is not likely to stop undocumented Zimbabweans from finding alternative ways to cross the border till the Zimbabwe crisis is resolved.

## **Economic Growth, Debt Distress and a Poverty and Livelihoods crises.**

The Zimbabwe economy was in a crisis in the first half of 2023 mainly due to exchange rate and inflationary pressures but was more stable in the second half of the year, at least in terms of macro-economic indicators. Inflation reached hyperinflation levels at 175.8% in June 2023 driven by monetary expansion and external shocks, but declined thereafter, and is projected to end the year 2023 slightly below 20%.<sup>1</sup> The Zimbabwean Dollar (ZWL) appreciated from 7 000 ZWL to 1 USD in June 2023 to 5,447 on 3 November 2023. The Government has also 'extended the use of US dollars as legal tender until 2030', reducing monetary policy uncertainty.<sup>2</sup> In addition, the Reserve Bank of Zimbabwe BZ has chosen to use Zimbabwe's gold assets to issue gold coins and gold-backed digital tokens to absorb excess Zimbabwe dollars.<sup>3</sup> Domestic prices have been relatively stable since the third quarter of the year, as reflected by month-on-month inflation which declined from 12.1% in June 2023, to 4.5% in November 2023 though purchasing power remained low.

The Ministry of Finance projected the domestic economy to grow by 5.5% in 2023, a slight upward revision from the initial projection of 3.8%, because of increased tobacco, wheat and cotton production spurred by private and state led contract farming.<sup>4</sup> Nevertheless, the production model has been exploitative to the smallholder farmers and benefitted the state and big agrarian capital. A number of factors continued to derail Zimbabwe's full economic growth potential in 2023. These included: declining mineral commodity prices and demand on the international market (mineral exports already fell by 12.5% to US\$2.58 billion in the first half of 2023, compared to the same period in 2022); global economic slowdown; shocks from the war in Ukraine; post-Covid 19 supply chain disruptions; the government's policy inconsistency; exchange rate pressures; external debt burden; electricity shortages; rampant corruption and political toxicity which undermines the social contract between the state and citizens necessary to sustain economic growth.<sup>5</sup> The Government, World Bank (WB) and International Monetary Fund (IMF) acknowledged that economic growth is even expected to slow down to 3.5% in 2024, mainly due to the anticipated impact of the El-Nino induced drought, with agriculture expected to contract by -4.9%.<sup>6</sup> This shows the vulnerability of the economy as it is dependent on weather cycles.

Zimbabwe also remained in debt distress in 2023. The total Public and Publicly Guaranteed (PPG) debt amounted to Z\$96.71 trillion or US\$ 17.7 billion (81.3% to the GDP), as on 30 September 2023.<sup>7</sup> However, according to the World Bank, public debt rose to over

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<sup>1</sup> [https://www.rbz.co.zw/documents/press/2023/July/Monetary\\_Policy\\_Committee\\_Meeting\\_-\\_28\\_July\\_2023.pdf](https://www.rbz.co.zw/documents/press/2023/July/Monetary_Policy_Committee_Meeting_-_28_July_2023.pdf), accessed 10 December 2023.

<sup>2</sup> World Bank. 2023. Zimbabwe Economic Update. Electrifying Growth through Reliable and Universal Energy Access. World Bank: Washington.

<sup>3</sup> World Bank. 2023. Zimbabwe Economic Update. Electrifying Growth through Reliable and Universal Energy Access. World Bank: Washington.

<sup>4</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

<sup>5</sup> World Bank. 2023. Zimbabwe Economic Update. Electrifying Growth through Reliable and Universal Energy Access. World Bank: Washington.

<sup>6</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

<sup>7</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

100 percent of GDP in 2023.<sup>8</sup> The debt is comprised of an external debt which amounted to Z\$69.36 trillion or US \$ 12.7 billion and domestic debt of Z\$27.4 trillion or US \$ 5 billion.<sup>9</sup> Of the total external debt stock, the bilateral and multilateral debt amounted to US\$9.1 billion, of which 76% are principal arrears, interest arrears and penalties. The stock of total domestic debt, comprised of Government securities of Z\$8 trillion, domestic arrears to service providers of Z\$172 billion and compensation of former farm owners [affected by fast track land reform] of Z\$19.1 trillion.<sup>10</sup> However, the Zimbabwe government made external debt service payments amounting to USD\$55.6 million for the active portfolio, legacy debts and token payments between January and September 2023.<sup>11</sup> In order to demonstrate its commitment to the international engagement and re-engagement drive, Government also made token payments to all International Financial Institutions and Paris Club creditors amounting to USD\$10.7 million over the same period.

In 2023, Zimbabwe also made some progress towards setting up a framework to implement the Arrears Clearance, Debt Relief and Restructuring Strategy established in December 2022 with all its creditors and Development Partners to resolve long-outstanding debt and external arrears. The stakeholders established three strategic pillars: Economic; Governance; and Land Tenure, Compensation of Former Farm Owners and the Resolution of Bilateral Investment Protection and Promotion Agreements (BIPPAs).

The roadmap developed as part of the strategy is as follows:

1. Signing off an IMF Staff Monitored Program (SMP) [ This is expected to start in January 2024] after an IMF staff visit in October 2023 ;
2. Fighting corruption;
3. Ending all quasi-fiscal operations , and end all unbudgeted expenditures;
4. Concluding laws to provide for transferable and bankable 99-year leases [The African Legal Support Facility is providing technical assistance] ;
5. Payment of compensation of Former Farm Owners based on the Global Compensation Deed [Government made an allocation of US\$55 million in the 2024 National Budget for compensation of Former Farmers Owners], and
6. Resolution of BIPPAs. However, the government has not committed to compensate former farm workers.

The structured dialogue platform's future is uncertain, following the government's intransigence in terms of implementing governance reforms to ensure a free, fair and credible elections in 2023. The dialogue has been on hold during the general election period and is scheduled to resume in January 2024.

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<sup>8</sup> World Bank. 2023. Zimbabwe Economic Update. Electrifying Growth through Reliable and Universal Energy Access. World Bank: Washington

<sup>9</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

<sup>10</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

<sup>11</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

A worrying trend is that the economic growth has failed to translate into lower poverty, vulnerability, and food insecurity rates. The population living in extreme poverty has remained high in Zimbabwe. According to the WB, 40% of households were moderately or severely food insecure especially in the deficit producing areas in western, southern and eastern parts of the country, by end of November 2023.<sup>12</sup> The number of people facing insufficient food consumption was about 5 million during the first week of November up from 4.1 million in October 2023.<sup>13</sup> On the other end, the number of people resorting to food-based coping strategies, such as reducing the number of meals per day and asking for money to buy food, rose from 6.4 million in August to 7.1 million during the first week of November 2023.<sup>14</sup> Poor households have largely finished their food stocks, and do not have enough money to buy food on the open market. Maize grain (staple food) availability is also declining as more families resort to market purchases. Dry conditions in November have negatively affected the planting season for smallholder farmers who rely on rain-fed agriculture, signalling a bleak future in the communal areas. On the other end, access to water for both human beings and livestock is declining as rainfall has been below average. The lack of access to clean water and good sanitation has resulted in a national cholera outbreak. The Ministry of Health has recorded 155 deaths linked to cholera from 8,787 cases reported in all the ten provinces.<sup>15</sup> In November 2023, the government declared a state of emergency in Harare Province which has the highest number of new cholera infections, and activated the Civil Protection Act. However, the authorities are still struggling to contain the pandemic which killed over 4 000 people in 2008.<sup>16</sup>

Amidst the livelihoods crisis, the government proposed a ZWL 58.2 trillion 2024 national budget on 30 November, which is 'anti-industry' and 'anti-people'. It proposed a raft of taxes that will exacerbate the livelihoods conditions. There was an increase in fuel excise by US\$0.03 (diesel) and US\$0.05 (petrol) per litre.<sup>17</sup> Motorists will pay an additional three and five cents per litre of diesel and petrol respectively. In addition toll fees will increase by more than 100% on the busy Harare-Beitbridge and Plumtree-Mutare roads and 100% on all other roads from 1 January 2024. This will hit the poor majority who use public transport hardest as transport operators will pass on the new costs.<sup>18</sup> There was also an increase of passport fees to \$200, up from \$120, making it the most expensive in southern Africa.<sup>19</sup> Given Zimbabwe's livelihoods crisis, many people survive by cross-border trade. The tax-free threshold on income tax was raised to a paltry ZWL\$750,000.<sup>20</sup> The informal economy characterised by micro and small enterprises, which sustain most households, face more

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<sup>12</sup> World Bank. 2023. Zimbabwe Economic Update. Electrifying Growth through Reliable and Universal Energy Access. World Bank: Washington

<sup>13</sup> <https://fews.net/southern-africa/zimbabwe/key-message-update/november-2023>, accessed 6 December 2023.

<sup>14</sup> <https://docs.wfp.org/api/documents/WFP-0000152504/download/>, accessed 5 December 2023.

<sup>15</sup> <https://www.reuters.com/world/africa/zimbabwe-restricts-gatherings-food-vending-cholera-cases-spike-2023-11-24/>, accessed 6 December 2023.

<sup>16</sup> Chigudu, S., 2020. *The political life of an epidemic: cholera, crisis and citizenship in Zimbabwe*. Cambridge University Press.

<sup>17</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

<sup>18</sup> <https://www.bbc.com/news/world-africa-67587440>, accessed 12 December 2023.

<sup>19</sup> <https://www.bbc.com/news/world-africa-67587440>, accessed 12 December 2023.

<sup>20</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

trading constraints. Only licensed and tax compliant operators can procure goods from manufacturers and wholesalers and only traders registered for VAT purposes and in possession of valid tax clearance Certificates are eligible to procure goods from manufacturers.<sup>21</sup> According to the Zimbabwe Congress of Trade Unions, the net effect will be to reduce disposable incomes while eroding the country's overall competitiveness.<sup>22</sup> The burdensome tax regime is bound to erode purchasing power. According to the Zimbabwe National Statistics Agency (Zimstat), 61% of paid employees earned less than US\$17.50 a month using the official rate in the second quarter of 2023.<sup>23</sup>

## **Cartels , Capture and Corruption**

Zimbabwe's level of corruption perception remained significantly high. The Al Jazeera documentary and the Sentry report were the major highlights of the year which revealed endemic corruption haemorrhaging the national economy. The investigations revealed alleged illicit financial flows from Zimbabwe to South Africa, United Kingdom, Mauritius and other destinations, abuse of diplomatic immunity, gold smuggling in collusion with ruling party elites in government, corruption, tax evasion, offshore financial facades, false invoices, and money laundering.<sup>24</sup> Zimbabwe loses about US\$ 3 billion annually to illicit financial flows.<sup>25</sup> As Transparency International Zimbabwe aptly highlighted,

'more and more cartels work with individuals [politically connected to the ruling party elites] and institutions in Zimbabwe to move dirty money using anonymous trusts and shell companies in tax havens and other secretive jurisdictions. This insidious relationship facilitates organised crime and huge outflows of gold and other precious minerals. In particular, the documentary exposes incidences of alleged under invoicing and under declarations by registered gold dealers to Fidelity Printers and the Zimbabwe Revenue Authority, alleging even higher losses than previously assumed.'<sup>26</sup>

The Government has not taken any significant action to hold the cartels accountable. Whereas the Government and SADC leaders have been vocal about the effects of sanctions on the economy, they have not paid any serious attention to high level corruption.

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<sup>21</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/The%202024%20Budget%20Statement.pdf](https://www.veritaszim.net/sites/veritas_d/files/The%202024%20Budget%20Statement.pdf), accessed 13 December 2023.

<sup>22</sup> <https://www.newsday.co.zw/business/article/200020838/zctu-urges-mps-to-reject-2024-budget>, accessed 12 December 2023.

<sup>23</sup> <https://www.techzim.co.zw/2023/11/61pc-of-employed-zimbabweans-earning-less-than-us12-66-a-month/#:~:text=According%20to%20the%20Zimbabwe%20National,stood%20at%20around%201%3A7900.>, Accessed 5 December 2023.

<sup>24</sup> <https://thesentry.org/2023/07/06/80407/breaking-news-suspect-millions-moved-from-zimbabwe-to-london/>, accessed 5 December 2023.

<sup>25</sup> <https://www.veritaszim.net/node/6066#:~:text=In%202019%20alone%2C%20according%20to,cent%20of%20our%20total%20trade.>, accessed 13 December 2023.

<sup>26</sup> <https://www.transparency.org/en/press/aljazeera-gold-mafia-documentary-demonstrates-urgent-combat-corruption-zimbabwe>

## Human Rights Violations and Violence as a Technology of Rule

The use of violence as a technology of rule in post-colonial Zimbabwe by ZANU PF in collusion with the state continued in 2023, albeit at different scales during the pre-election, election and post-election period. The general environment in the country during the pre-election period seemed peaceful.<sup>27</sup> Before proclamation of the election date, the ZANU PF leadership's overarching idea was to deliver victory in a peaceful environment so as not to undermine ZANU-PF's legitimacy in the eyes of SADC, the African Union, and the international community. I am inclined to share Simpson's view that 'as a first approach to the choice of tactics of manipulation, one can think of the supply curve of manipulation, according to which the means of manipulation that yield the greatest benefits at the lowest cost will be chosen first.'<sup>28</sup> However, violence surged after proclamation of the election day on 31 May 2023 and reached the peak in the election month of August 2023. Even though ZANU-PF intended to rely on lawfare and covert manipulation, it never wholly gave up on naked violence because the opposition remained competitive, and political legitimacy contested. Unfortunately, violence continued in the post-election period.

The table below shows the recorded and available human rights violations and number of victims from January to August the month of the general election.

**Table 1: Recorded violations and number of victims, January to August 2023.**

Month	Recorded Violations	Number of victims
January	231	1 621
February	241	1 722
March	221	-
April	198	-
May	191	1 974
June	206	2 096
July	301	5 006
August	384	8 832

Computed by author from ZPP's available reports covering human rights violations from January to August 2023.

The dominant human rights violations in 2023 were in the form of: harassment, intimidation, assault, illegal detention, torture, arson, inhuman and degrading treatment, murder, abductions, suspected poisoning of opposition activists, partisan food aid distribution (where opposition members or those who refuse to join ZANU PF are denied access to food), abuse of cyberspace by Mnangagwa's supporters and some intolerant CCC supporters on social media, discrimination and hate language.<sup>29</sup>

The major perpetrators of violence during January to August 2023 were primarily ZANU PF members, the Zimbabwe Republic Police (ZRP), and an NGO called Forever Associates of Zimbabwe (FAZ). FAZ is not a political party but it is subordinate to the ruling party as its

<sup>27</sup> ZHRC. 2023. Report on 2023 Harmonised Elections in Zimbabwe.

<sup>28</sup> A, Simpson, 2013. *Why Governments and Parties Manipulate Elections: Theory, Practice, and Implications*, Cambridge University Press. Pg 29.

<sup>29</sup> <https://data.zimpeaceproject.com/>, accessed 11 December 2023.

mission is ‘to serve in answer to...ZANU PF’s call to duty in pursuit of national peace, economic development and stability’.<sup>30</sup> ZRP was responsible for 12.31 % of human rights violations. The involvement of ZRP in violating human rights shows the visible hand of the state. On the other end, ZANU PF members accounted for 51.57% of the violations whilst FAZ was responsible for 16.33%. These three conflated institutions therefore accounted for 80.39 % of human rights violations from January to August 2023. Widespread literature has shown the symbiotic relationship between ZANU PF and state security institutions. It is therefore not surprising that ZANU PF and its affiliates, in some cases, worked with ZRP to commit human rights abuses. The three main perpetrators of violence are tabulated below.

**Table 2: Perpetrators of human rights violations: January to August 2023**

Perpetrators	Per cent of human rights violations
ZANU PF	51.57%
ZRP	12.31%
FAZ	16.33%

Computed by author from ZPP’s available reports covering human rights violations from January to August 2023.

From January to August 2023, 90.28% of victims of human rights violations were ordinary citizens who ought to be protected by the state. The second targeted group for systematic attack was the opposition CCC which constituted 9.42% of victims. The victims up to August were distributed as follows: 61.9% male, 37.2% female, 0.4% male persons with disability and 0.5% female persons with disabilities.

Following the August 2023 general election, most organisations are still compiling the human rights violations statistics. However, there has been an escalation of cases of abductions, arbitrary detention, torture and killing of opposition political activists, and human rights defenders by state security agents.<sup>31</sup> On 11 November, CCC activist, Pastor Tapfumaneyi Masaya, was abducted during the by election campaign in Mabvuku and killed.<sup>32</sup> His fellow activist Jeffrey Kalosi was also abducted, beaten and dumped. The CCC’s youth taskforce leader and MP, Takudzwa Ngadziore, was abducted at gunpoint, severely tortured and injected with an unknown substance on his way to parliament on 1 November 2023. On 2 September 2023, Womberaishe Nhende, the CCC councillor for Glen Norah Ward 27 in Harare, and fellow activist Sonele Mukhuhlani, were also abducted, severely tortured and injected with an unknown substance before being dumped on the outskirts of Harare. On 23 October 2023, James Chidhakwa, a vibrant CCC member and former opposition member of parliament, was abducted, tortured and also injected with an unknown substance and dumped.<sup>33</sup> On 4 September 2023, Douglas Coltart and Tapiwa Muchineripi of Zimbabwe Lawyers for Human Rights (ZLHR) who were representing the two CCC members,

<sup>30</sup> <https://faztrust.com/>, accessed 12 December 2023.

<sup>31</sup> <https://www.hrw.org/news/2023/11/15/zimbabwe-joint-statement-calling-authorities-investigate-escalation-abductions>, accessed 8 December 2023.

<sup>32</sup> <https://www.theguardian.com/world/2023/nov/14/abducted-zimbabwe-opposition-activist-tapfumaneyi-masaya-found-dead>, accessed 7 December 2023.

<sup>33</sup> <https://www.hrw.org/news/2023/11/15/zimbabwe-joint-statement-calling-authorities-investigate-escalation-abductions>, accessed 8 December 2023.

Womberaiishe Nhende and Sanele Mkhuhlane, were arrested during the course of their duty.<sup>34</sup> Meanwhile, Job Sikhala, a vibrant senior CCC leader and former MP, has remained in detention without trial for the entire 2023 period. As observed by Human Rights Watch, the government is yet to condemn or carry any meaningful investigations of these cases.<sup>35</sup>

### **The 2023 General Election and International Reaction.**

Zimbabwe failed to hold a free, fair and credible general election on 23-24 August 2023. Mnangagwa won the presidency with a narrow 52.6% of the vote [2 350 711] and Chamisa was second with 44% of the vote [1 967 343]. ZANU PF won an absolute majority in parliament on 23-24 August 2023 but failed to get two thirds majority required to make a constitutional amendment. It had 176 seats (136 directly elected through first past the post, 33 women quota and seven youth quota) out of 280 seats in the national assembly. The national assembly results are tabled below:

**Table 3: 2023 National Assembly Results**

<b>Name of Party</b>	<b>Total Number of Seats</b>	<b>Per cent</b>
ZANU PF	176	62.85
CCC	103	36.79
Pending	01	0.36
Total	280	100

ZANU PF won with a narrow majority in the Senate as it failed to get the two thirds majority required to make a constitutional amendment. It had 33 out of 80 Senators this fell short of 21 Senators to have two thirds majority. According to section 328 (5) of the constitution, one needs affirmative votes of two-thirds majority of the membership of each House that is the national assembly and the senate to pass a constitutional bill. The senate results are tabulated below.

**Table 4: 2023 Senate Results**

<b>Name of Party</b>	<b>Total number of Senators</b>	<b>Per cent</b>
ZANU PF	33	41.25
CCC	27	33.75
PWD	02	2.5
Traditional leaders	18	22.5
Total	80	100

<sup>34</sup> <https://www.hrw.org/news/2023/11/15/zimbabwe-joint-statement-calling-authorities-investigate-escalation-abductions>, accessed 8 December 2023.

<sup>35</sup> <https://www.hrw.org/news/2023/11/15/zimbabwe-joint-statement-calling-authorities-investigate-escalation-abductions>, accessed 8 December 2023.

The Southern Africa Development Community's Election Observer Mission (SADC-EOM) led by Dr. Nevers Mumba of Zambia concluded that, 'some aspects of the Harmonized Elections, fell short of the requirements of the Constitution of Zimbabwe, the Electoral Act, and the SADC Principles and Guidelines Governing Democratic Elections (2021).'<sup>36</sup> Most of the observer missions including Commonwealth, African Union- Common Market for Eastern and Southern Africa (COMESA); Commonwealth; European Union (EU) ; Carter Centre; United Kingdom Embassy and United States Embassy noted the following problems: restricted access to the voters roll; high nomination fees; biased state media reporting; repressive legislature on that undermines freedom of assembly, association and assembly; delays in opening of polls; Intimidation and violence; arrest of 41 civil society members monitoring elections; inefficient election management board; disenfranchisement of women, youths and people with disabilities; problems with tallying of results; banning of opposition rallies and the failure by the Zimbabwe Electoral Commission to provide disaggregated polling station results not publicly available unlike in 2018.

Due to the principle of subsidiarity, SADC was expected to take the lead in resolving the crisis but the Heads of State and Government only adopted the report at the 4<sup>th</sup> November 2023 Summit meeting in Luanda after spirited resistance from Zimbabwe, and there was no action plan beyond acknowledging the report. According to the official SADC Communique: 'Summit received an update on the elections in the SADC Member States and noted the report of the SADC Election Observation Mission to the Harmonised Elections in the Republic of Zimbabwe held in August 2023, and the General Elections in the Kingdom of Eswatini in September 2023'.<sup>37</sup> Messages of solidarity from Namibia, Tanzania and South Africa, without mentioning issues raised by the preliminary SADC EOM report, made it difficult for the regional body to take collective action.

However, it is important to note that there was no consensus from the international community. There were messages of solidarity from China which concluded that 'the elections were held in a peaceful and orderly fashion with active participation by the people...'<sup>38</sup>, whereas Putin sent 'heartfelt congratulations'<sup>39</sup> and India stated that 'the election was transparent and generally credible.'<sup>40</sup> Such international solidarity makes it easy for the authoritarian government to continue to subvert the will of the people. The CCC did not challenge the election results in court because the domestic remedy available to them in the form of judicial remedy was ineffectual. CCC highlighted that Zimbabwe lacks a functional separation of powers.

Post the election it seems only the United States has taken some action to deter election manipulation. On 5 December 2023, America announced 'a new visa restriction policy for undermining democracy in Zimbabwe. Under this policy, the United States will pursue visa restrictions, pursuant to Section 212(a)(3)(C) of the Immigration and Nationality Act, for individuals believed to be

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<sup>36</sup> <https://www.veritaszim.net/node/6662>, accessed 4 December 2023.

<sup>37</sup> <https://www.sadc.int/latest-news/communique-extra-ordinary-summit-sadc-heads-state-and-government>, accessed 6 December 2023.

<sup>38</sup> [http://belfast.china-consulate.gov.cn/eng/wjbfyrth\\_3/202308/t20230828\\_11133961.htm](http://belfast.china-consulate.gov.cn/eng/wjbfyrth_3/202308/t20230828_11133961.htm)  
Accessed 4 December 2023.

<sup>39</sup> <https://www.herald.co.zw/putin-abbas-congratulate-president-mnangagwa/>, accessed 1 December 2023.

<sup>40</sup> <https://www.herald.co.zw/palestine-india-observers-commend-zim-polls/>, accessed 4 December 2023.

responsible for, or complicit in, undermining democracy in Zimbabwe.’<sup>41</sup> Contrary to America, China sent some military equipment to Zimbabwe on 12 December 2023.<sup>42</sup> This meant that the authoritarian regime could survive isolation given the prevailing international geo-politics.

### Post-Election Decimation of the CCC

Sengezo Tshabangu, a self-appointed Secretary General of the CCC, wrote a letter to the Speaker of Parliament, President of Senate and Minister of Local Government recalling 14 members of the National Assembly [ (9 directly constituency MPs, 5 women's quota MPs and 1 youth quota MP), 9 senators and 17 councillors from their positions arguing that they had ceased to be members of the CCC on 3 October 2023. Section 129 (1) (k) of the Constitution that governs recalls states that....

The seat of a Member of Parliament becomes vacant—(k) if the Member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker or the President of the Senate, as the case may be, has declared that the Member has ceased to belong to it.

As a result, the seats were declared vacant and President Emmerson Mnangagwa proclaimed December 9, 2023, as the day for by-elections.

The CCC challenged the recalls in Court and lost. The CCC argued that Tshabangu was not a member of their political party but rather an impostor with no right or authority to recall anyone hence the recalls were illegal, null and void and of no force and effect. However, the Court effectively accepted the recall letter ‘despite the improbability that party members who had been elected on a party ticket just two months previously, some of whom had only just been sworn in, would have ceased to belong to their party.’<sup>43</sup> Further to this, on 7 December 2023, the High Court in Harare, granted Tshabangu an order to expunge the names of recalled MPs from the ballot paper for the by-elections.<sup>44</sup> Zimbabwe was left with a ‘choiceless election’ without the participation of the main opposition party led by Nelson Chamisa.<sup>45</sup> Tshabangu’s actions were a result of simmering internal contradictions within the opposition but were quickly hijacked by ZANU PF and state elites in order to decimate and emasculate the popular opposition, CCC.

On 9 December 2023, ZANU PF won seven out of the nine parliamentary elections. The ruling party was to end the year with 184 seats (144 directly elected through first past the post, 33 proportional representation for women and seven youth quota) out of 280 seats in the national assembly.<sup>46</sup> ZANU PF was now three seats away from having two thirds majority. Six more constituency by-elections will be held on 3 February 2024 following the recall of six

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<sup>41</sup> <https://www.miragenews.com/us-imposes-visa-restrictions-for-zimbabwe-1136844/>, accessed on 10 December 2023.

<sup>42</sup> <https://www.herald.co.zw/china-gives-zim-shot-in-the-arm/>, accessed 14 December 2023.

<sup>43</sup> <https://www.thezimbabwean.co/2023/11/recall-of-members-of-parliament-and-ensuing-court-cases/>, accessed 9 December 2023.

<sup>44</sup> <https://www.herald.co.zw/court-bars-22-recalled-ccc-legislators-from-polls/>, accessed 8 December 2023.

<sup>45</sup> See, <https://www.aljazeera.com/features/2023/12/8/choiceless-elections-zimbabweans-cry-foul-before-bizarre-by-elections>, accessed 8 December 2023.

<sup>46</sup> <https://www.herald.co.zw/zanu-pf-romps-to-victory-cements-dominance/>, Accessed 12 December 2023.

more opposition MPs by Tshabangu. ZANU PF is expected to easily win and get the two thirds majority.

However, ZANU PF will still find it difficult to amend the constitution contrary to popular media narratives. For a constitutional bill to pass as expressed in section 328 (5), it needs affirmative votes of two-thirds majority of the membership of each House that is the national assembly where ZANU PF is now short of three members and the Senate. ZANU PF can never have two thirds majority in the senate because the proportional representatives are based on the 23-24 August general election outcome. As highlighted above, ZANU PF got 33 out of 80 seats and will need 21 seats to get a two thirds majority in the senate, required to pass a constitutional amendment. The recalls cannot result in ZANU PF getting two thirds majority to pass a constitutional amendment. This is because the party that recalls simply fills the vacancy with its members. ZANU PF will therefore need to persuade the two representatives for people living with disabilities , the 18 traditional leaders and at least one MP from CCC. Politically this is feasible for ZANU PF given its use of coercion, intimidation and patronage but is not given.

### **Authoritarian consolidation and closure of democratic space for civil society organisations and ordinary citizens.**

Zimbabwe experienced authoritarian consolidation and democratic regression signified by the introduction of a harsh regulatory framework leading to the closure of the democratic space for Civil Society Organisations and citizens to effectively participate in political processes in line with the Bill of Rights. The President signed the Criminal law (Codification and reform) amendment bill (aka Patriot Bill) into law just before the August general election. This criminalises acts by citizens and residents of Zimbabwe that seek to undermine the vaguely defined sovereignty, dignity and independence of the nation in collaboration with foreigners. This is open to multiple interpretations and meant to target and undermine the civil liberties of activists who are critical of the Zimbabwe government.

In addition, after the general election, Mnangagwa re-introduced the controversial and draconian Private Voluntary Organisations (PVO) Amendment Bill in parliament. In its current formulation it seeks to amend the Private Voluntary Organisations Act [Chapter 17:05], which governs non-profit organizations in Zimbabwe. The official aim of the Bill is to comply with the Financial Action Task Force (FATF) recommendations to strengthen the country's legal framework to combat money laundering, financing terrorism and proliferation. FAFT is a global inter-governmental organization that sets international standards that aim to combat money laundering and financing terrorism.<sup>47</sup>

However, the Bill contains provisions that go beyond FAFT recommendations and has potential to disrupt NGO financing with adverse impacts on a fragile economy and people's livelihoods. This is in a country where NGOs are a low risk sector with no precedence of financing terrorism and money laundering. The Bill can lead to unilateral closure of NGOs by Government, banning of funding from the public or from foreigners to the NGOs, withdrawal

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<sup>47</sup> See: <https://www.fatf-gafi.org/about/>

of funding by Development Partners, ‘voluntary’ closure by NGOs given the insalubrious operating environment or NGOs going illegible which includes operating underground. Here are some of the provisions.

- The proposed Section 2 (4) requires the Registrar to stop PVOs from receiving funding from the public and or from foreigners without giving reasons. This affects funding.
- The Minister has unilateral powers under the proposed Section 22(2) to undertake “risk assessments” of CSOs without including the CSOs in the assessment.
- The Minister has broad discretion under the proposed Section 2 (3) to designate any CSO as vulnerable to terrorist financing without even taking risk assessment.
- The Minister has powers under proposed section 21 to suspend and replace a PVO’s executive committee with his or her own selected provisional members.
- The Bill requires PVO to re-register with the Registrar once there is ‘material change’ in the organisation under the proposed Section 13A and this provides the Registrar with an opportunity to delay or deny registration.
- Section 10(e1) prohibits PVOs from supporting or opposing a political party or candidate during elections and any violation will lead to deregistration.

CSOs played a minimalist role in the elections since 2000 given the threats posed by the harsh regulatory framework.

### **Zimbabwe Exemption Permits and the Militarisation and Securitisation of South African borders.**

The Minister of Home Affairs’ decision to terminate the Zimbabwe Exemption Permit (ZEP), to grant a limited extension of only 12 months and to refuse further extensions beyond 30 June 2023 was declared unconstitutional, invalid and unlawful on 28 June 2023 by the Gauteng High Court.<sup>48</sup> The main application to protect the 178 000 ZEP holders was launched by the Helen Suzman Foundation in case no. 32323/2022 and joined by the Consortium for Refugees and Migrants in South Africa (CoRMSA). The Minister of Home Affairs lost his application to appeal the decision on 17 October 2023. However, the Helen Suzman Foundation’s application for enforcement was dismissed on 6 November 2023.<sup>49</sup> The court maintained that its earlier order to protect the ZEP holders’ rights, which means they still have rights until June 2024, was adequate.<sup>50</sup> Meanwhile, the Minister has granted exemption to approximately 178 000 Zimbabwe nationals for a period of two years in terms of section 31

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<sup>48</sup> <https://hsf.org.za/publications/cases/hsf-minister-of-home-affairs-case-no-32323-2022>

Accessed on 9 December 2023.

<sup>49</sup> <https://hsf.org.za/publications/cases/hsf-minister-of-home-affairs-case-no-32323-2022>

Accessed 9 December 2023.

<sup>50</sup> <https://hsf.org.za/publications/cases/hsf-minister-of-home-affairs-case-no-32323-2022>, accessed 9 December 2023.

(2) (b) of the Immigration Act of 2002. The new exemption permit to be issued upon application will expire on 29 November 2025.<sup>51</sup>

Meanwhile, South Africa continued with the militarisation and securitisation of its borders. On 5 October 2023, President Ramaphosa launched the Border Management Authority at Musina showgrounds in Limpopo. The Border Management Authority is now officially the third armed service in South Africa after the South African National Defence Force and the South African Police Service.<sup>52</sup> According to Ramaphosa, the Border Management Authority was established as a response to ‘the increase in the number of undocumented foreign nationals entering our country. This has exacerbated many of the country’s social and economic problems.’<sup>53</sup> As Moyo has argued, this approach is similar to what European countries have implemented including at borders between Morocco and Spain at Ceuta where the objective is to keep migrants and refugees out, especially those from Africa.<sup>54</sup> However, as we have observed in Europe, militarisation and securitisation of borders has always failed to stop undocumented migrants.<sup>55</sup> South Africa is also bound to fail in stopping undocumented migrants from Zimbabwe. Undocumented migrants will find other alternatives to get in South Africa as long as the Zimbabwe crisis continues. The more stringent the immigration regime, the more people find alternatives to cross the border without the documents.<sup>56</sup> As long as South Africa does not act swiftly to address the Zimbabwe crisis there will be more documented and undocumented migrants from Zimbabwe. On the other end, SADC should adopt a regional approach and promote the free movement of people.

***The analysis and recommendations included in this Brief do not necessarily reflect the view of SALO or any of the donors. The contents of the brief are the sole responsibility of SALO and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance.***

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<sup>51</sup> <https://www.dha.gov.za/index.php/immigration-services/gazetted-extension-of-zep>, accessed 11 December 2023.

<sup>52</sup> <https://www.gov.za/news/speeches/president-cyril-ramaphosa-launch-border-management-authority-05-oct-2023>

<sup>53</sup> <https://www.gov.za/news/speeches/president-cyril-ramaphosa-launch-border-management-authority-05-oct-2023>

<sup>54</sup> <https://beatingborders.wordpress.com/2015/06/17/the-militarisation-of-the-european-borders-the-daily-terror-in-morocco/>

Accessed on 13 December 2023. <https://theconversation.com/why-south-africas-new-plan-to-fortify-its-borders-wont-stop-irregular-migration-145072>, accessed 12 December 2023.

<sup>55</sup> <https://theconversation.com/why-south-africas-new-plan-to-fortify-its-borders-wont-stop-irregular-migration-145072>, accessed 12 December 2023.

<sup>56</sup> <https://theconversation.com/why-south-africas-new-plan-to-fortify-its-borders-wont-stop-irregular-migration-145072>, accessed 12 December 2023.

**About the Southern African Liaison Office:**

**S A L** 

International liaison, dialogue and research

The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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