COMPLEXITIES AROUND ZANU PF SUCCESSION: STATE AND PARTY CONSTITUTIONS

Political succession is currently at the heart of political debate in Zimbabwe. The nation's nonagenarian leader, President Robert Mugabe's reluctance to map out a succession plan for his political party has engendered discourses in local politics, political economy, diplomacy and international affairs, amongst many. 1

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Though these discussions, on who and what will succeed the existing configuration of power have undoubtedly enriched our understanding and appreciation of the complexities of succession politics in Zimbabwe, most of them have tended to focus almost entirely on the intramural struggles between rival factions. Indeed, an analysis of some of the articles and texts on the succession issue indicates that the struggle for supremacy in ZANU-PF is primarily understood within the prism of factional politics. 2 The role of both the party and state constitutions in the succession matrix has either been marginalised or in some cases, entirely ignored.

Those deliberations that have attempted to understand succession politics using the ruling party and the state's constitutions have largely focused on previous constitutions. 3 Moreover, these discussions have also tended to mainly focus on the interpretations of the constitutions. In an attempt to construct a nuanced understanding of succession politics in Zimbabwe, this paper focuses more on the 'politics' of the constitutions. In other words, what are the chances that the party and state rules will be followed in the succession matrix? If not followed, what are the mostly likely ways in which the constitutions might be subverted?

Methodologically, this paper utilises information drawn from primary sources, in particular, the previous and current ZANU-PF and state constitutions. Secondary sources in the form of existing thematic discourses with regards to succession within the ruling party will also be consulted.

But before venturing too much into the discussions, it is important to try and understand why it has been difficult for President Mugabe to anoint a successor, thereby creating conditions for a potential 'succession crisis' in the event of his resignation, incapacitation or death.

Why Mugabe struggles to name a Successor?

In theory, the most effective way to resolve the succession issue is for the president to name a successor, and then proceed to give the named successor the powers that he or she will need to make good his or her claim at the decisive moment when the nonagenarian can longer impose his will. However, given indications that Zimbabwe's strongman has no intentions of departing the political scene anytime soon, such an arrangement can be extremely hazardous to his grip on power as

1 Onlslow. S (2011) Zimbabwe and Political Transition London School of Economics Paper
Strategic Update; Crisis Coalition in Zimbabwe (2014) Dissecting Zimbabwe's Succession
Conundrum, A Crisis in Zimbabwe Coalition Publication; Council on Foreign Relations (2015)
Political Instability in Zimbabwe, Contingency Planning Memorandum No.23; Phimister I (2012)
'Narratives of Progress: Zimbabwean historiography and the end of history';
Raftopoulos B (2006) 'The Zimbabwean Crisis and the Challenges for the Left' Journal of

2 Ibid

3 Research and Advocacy Unit and Zimbabwe Human Rights NGOs Forum (2014) The Mortal
Remains: Succession and The ZANU-PF Body Politic.
was the case with the previous vice president Joice Mujuru, when she was apparently anointed.

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In 2004, President Mugabe told delegates to the ZANU PF congress soon after Mujuru's appointment as vice president that for her, 'the sky is the limit'. This statement, from a man who says little about the succession issue was seen as giving the then vice president the green light to pursue her ambitions. However, once Mugabe delegated wide authority to his vice president, he also started to struggle to contain Mujuru's seizure and consolidation of the remainder of the powers.

Indeed, once she started being regarded as a presumptive heir, particularly following Mugabe's utterances, ZANU-PF senior officials and other elites, including those in the security sector and state bureaucracy started paying their court to the heir rather than the ageing president.

The number of senior ZANU-PF officials, securocrats and bureaucrats, reportedly linked to former Vice President Mujuru in the run-up to the 2014 congress attests to this development. Given such development, it can be argued Mujuru could have successfully challenged Mugabe at the 2014 elective congress. Unable to circumscribe Mujuru's powers, the only solution to the threat that she posed to the president, was to dislodge her from the vice presidency. Thus, in the run-up to the congress in 2014, the nonagenarian adopted a scorched earth policy that resulted in the expulsion of vice president Mujuru and anyone associated with her from the party.

However, this danger has not been completely eliminated, with allegations that vice president Emmerson Mnangagwa, as the new presumptive heir, is angling himself to succeed Mugabe. In that case some analysts suggest Mnangagwa could face Mujuru's fate if he is perceived to be a 'successionist'. These plots and counter plots seem to be the result of the elites' lack of faith in the party and state constitutions' ability to resolve the succession issue.

What if the state constitution is followed?
In the event of Mugabe unexpectedly leaving the political scene, if the constitutional procedures were to be followed to the letter, a nominee in the ruling party would ascend to the presidency and he will have to complete the rest of the presidential term that would have been vacated by the nonagenarian. This is provided for by section 14(4) (b) of the six schedule of the state constitution.

However, given the tumultuous nature of Zimbabwean and ZANU-PF politics, such a smooth scenario could be unlikely. This is because state constitutions in authoritarian regimes such as Zimbabwe are very different both in content and functions from constitutions in multi-party, liberal democracies. In theory, constitutions are essentially there to provide a set of rules of the game; they broadly determine both the

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6 Successionists, a term derived from succession is a term used to describe those who are allegedly plotting to succeed Mugabe using extra-legal means.
powers of state institutions and the mechanisms by which control over these institutions can pass from one party to another. In Zimbabwe, where only one political party exercises power, with others marginalised, the role of the constitution as a set of rules to transfer political power can be limited, and usually relegated to a secondary role by developments in the authoritarian ruling party.

Since developments in the party will be very significant, it is therefore prudent to consider the ruling party's statute for guidance on how political succession is likely to play out. Indeed, ZANU-PF tends to view all things as subordinate to the party, and its interests, accentuating the tendency to downplay the significance of the state constitution in the succession matrix.

ZANU PF Constitution in the Succession Question

In the event of President Mugabe's death or becoming incapacitated, developments in the ruling party's statute will have preponderance over that of the nation. ZANU-PF will have to sit down as a party and select a candidate using its own internal processes.

Though initially there was a disparity, as the party's constitution was not aligned to that of the state, in December 2014, a clause was added in the amended ZANU-PF constitution to deal with the election of a new party leader.

According to section 26 (2) of the ruling party's constitution, an extraordinary session of the congress may be convened 'in the event of a vacancy occurring in the Office of National President requiring the party to nominate a successor, at the instance of the secretary for administration'. The party will then have to nominate and vote a leader who will complete the rest of the presidential term.

Many analysts appear to have prematurely concluded that as vice president, Mnangagwa is better positioned to take over the party leadership. But appearances can be deceiving.

Despite the actuarial possibilities, the vice president's mere occupancy of the position does not mean that he will be automatically nominated in the event of Mugabe's death, resignation or incapacitation.

As a presumptive heir, instead, this will depend on Mnangagwa's successful exercise of his position as state vice president, and those positions as the second in command of ZANU-PF, to consolidate power, and not his colleagues' acknowledgement that they must obey him because he occupies these offices. Thus, Mnangagwa needs to use these positions to institutionalise his authority in order to entrench himself within the party system if he is to stand a better chance at winning the party's nomination.

However, due to the concentration of power in the positions of the First Secretary and President of the party, in reality, Mnangagwa as deputy in both the party and state does not possess the vast powers he needs to consolidate his authority over the party in preparation for the inevitable departure of Mugabe. As head of the party, President Mugabe has immense powers that allow him control of the main organisational and appointment machinery of the party. This is at the expense of other party institutions such as the central committee, the politburo and the office of his deputy, Mnangagwa.
In other words, unlike the president of the party, Mnangagwa cannot bump enemies from influential positions within the party, and replace them with allies. For example, he cannot reassign his opponent, Saviour Kasukuwere from the influential position of Political Commissar, nor can he have Jonathan Moyo booted out of the Politburo, thereby weakening the powerbase of G40 - a group of ambitious young politicians fronted by these two political elites. By the time that the president vacates the party and state office, Mnangagwa might still be in the same position as he is in terms of authority over the party; weak.

The Supremacy of Politics Over Law in ZANU PF Succession

The nature of politics in Zimbabwe brings out Achille Mbembe's notion of 'Necropolitics'; that is power resides outside the law. Though the state and party constitutions lay out how succession should be handled in Zimbabwe, these documents are not the ultimate authority, and will certainly play second fiddle to other developments within the party. This is fundamentally because ZANU PF is contemptuous of the rule of law.

Both the party and state constitutions are likely to be disregarded, but for the sake of legitimacy, ZANU-PF is likely to follow a 'para-constitutional order'. In other words, the ruling party is likely to shy away from altogether repudiating the party and state's formal constitutional framework. Thus, they are likely to operate within the framework whilst subverting its spirit. Indeed, no orderly method of succession is likely to materialise for the following reasons.

First, the 'closed' and highly secretive nature of ZANU-PF politics and a history of ruthlessness against rivals suggests the need for complete or near complete seizing of power which does not allow for the following, but manipulation or disregarding of the succession rules as laid out in the party and state constitutions.

Second, the history of succession within ZANU-PF shows that the party constitution only exists in form rather than in substance. The constitution has been manipulated or changed a number of times in order to accommodate a preferred candidate to the presidium. Indeed, the ascendency of the deposed vice president, Mujuru is illustrative. In 2004, in an attempt to thwart Mnangagwa's ascension, President Mugabe moved a constitutional amendment to facilitate Mujuru’s ascendency. It was the same with the 2014 congress, where the constitution was altered in order to give the president powers to appoint his deputies in the party.

Third, Mugabe's political style, and in particular, the party political system that he has created will make it difficult to follow the party statute. ZANU-PF has since been reduced to an instrument of Mugabe's personal rule. The institutions that are intended to produce the party leadership candidates such as the politburo, central

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committee and the provincial party structures have been eviscerated by Mugabe's leadership. Mugabe has used a combination of his 'iconic' stature, cult image and ruthlessness to manipulate these institutions. Guiding the succession process according to party rules and institutions will be very difficult without anyone who has the level of Mugabe's commanding authority. This suggests that a vicious struggle for who gets to the top will be played in a nasty way.

Fourth, because political activity that is being conducted during these succession wars is considered a threat to the party by the leader and party elites, losers are sure to be condemned as enemies of the party and state and risk suffering the fate of Mujuru and her perceived loyalists. Thus the contending factions are facing each other with severe sanctions. This 'illegal', conspiratorial quality and the risk of severe sanctions against losers gives the succession struggle an intensity that makes it extremely difficult to settle leadership contest through rules stipulated in the constitution.

Conclusion
The confrontation between Mnangagwa and Mujuru's political groups in the run-up to the 2014 congress, where the party constitution, through 'illegal amendments' was completely disregarded, provides a template of what political struggles await in the ruling party. These developments showed that party's constitution exists in form, not in substance; power struggles and the party constitution move in separate spheres, the first the reality, the second in rhetoric, and the twain does not meet.

In other words, the case of ZANU-PF and Zimbabwe, analysts attempting to understand succession may be better advised to consult Machiavelli or Hobbes than constitutions. The drama of Mugabe's personal rule, the securocrats, the entry of Grace Mugabe into politics and the factional fights indicate that institutional ways to resolve the succession are at best remote if not non-existent.

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