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AN AGENDA FOR DEMOCRATIC PEACE

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Executive Summary

Zimbabwe teeters on the brink of a precipice in the aftermath of the 2008 elections, which saw the incumbent, President Robert Mugabe, return to power for another five-year term in an electoral process judged by all African observers as not free and fair. Far from resolving Zimbabwe's eight-year political and economic crisis as anticipated, the election, earlier conceived as a conflict resolution mechanism, has deepened political paralysis, insecurity and economic uncertainty. Although Mugabe lost the first round of the harmonized elections on 29 March, his challenger, Morgan Tsvangirai, the presidential standard bearer for the opposition Movement for Democratic Change (MDC) secured 47.9%, three points shy of the mandatory 51% required to clinch an outright victory, necessitating a run-off. Zimbabwe's legislature, now a new frontier in the inter-party conflict, is ill-suited to break the country's impasse after Mugabe's Party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), lost control of the House of Assembly in the elections to the MDC, which also secured half of the seats in the Senate.

Regional and international calls for the presidential run-off on 27 June to be put on hold failed to grapple with the perils of an imminent power vacuum in a fragile state or to suggest a viable stop-gap option. However, Mugabe's decision to go on with the re-run and Tsvangirai's last minute withdrawal, citing intimidation, repression and retributive violence against his supporters, left the country poised on a slippery slope. The unanimous rejection of the run-off results by observers from the Southern Africa Development Community (SADC), the Pan-African Parliament (PAP) and the African Union (AU) has failed to restore legitimacy to the Mugabe government, which is now facing a low-intensity civil war from retaliatory violence from MDC supporters at home and calls for tougher sanctions abroad.

Abiding by the decision of the AU's summit calling for inter-party dialogue leading to a unity government is the last hope for the Mugabe regime. But the AU's failure to openly condemn Mugabe has drawn criticism from some African states, and further widened the long-standing rift over Zimbabwe between Africa and the West, where calls for sanctions and intervention are growing ever stronger. In contrast to Kenya in early 2008, western powers opted not to put pressure on the opposition to come to the negotiating table, encouraging its intransigence, which is now undermining the AU-SADC mediation lead by the President of South Africa, Thabo Mbeki. A time-bound power-sharing arrangement with specific milestones leading to the consolidation of democratic peace offers the best chance of pulling Zimbabwe back from the cliff-edge.

Recommendations

As the Zimbabwe post-election crisis turns drastically uncertain, brutal and murky, profound lessons for the democratic process are emerging, pointing to the need for action at the national, regional and international levels.

- **Strong continental capacity for preventing and resolving electoral disputes:** Election-related political impasses and violence witnessed in the Democratic Republic of Congo (2006), and more recently in Kenya and Zimbabwe call for strengthening of Africa's capacity to respond expediently to, and resolve, deadly disputes generated by electoral processes. Some of the measures the AU and its regional economic communities should consider establishing are:
 - An African election court, especially to deal expediently with deadly disputes arising from presidential polls across the continent.
 - An African election commission along the lines of the African Commission on Human and Peoples' Rights to build the capacity of national election commissions.
- **An expanded AU/SADC mediation:** The Mbeki-led AU/SADC mediation is the best placed instrument with the requisite continental mandate to spearhead dialogue leading to the resolution of the Zimbabwe crisis. However, it needs to be expanded to strengthen its capacity while retaining its African character and mandate. The mediation has to move speedily to broker a sustainable executive power-sharing arrangement, leading to a government of national unity and clear timeframes and mechanisms to closely monitor the implementation of the deal. The mediation faces an uphill task in creating an arrangement that reflects Zimbabwe's challenges and realities.

Ending the culture of political violence: The AU-SADC mediation, regional leaders and the international community need to help Zimbabwe work towards establishing a neutral professional and disciplined military and to pull war veterans and youths militias out of the streets and villages. Regional and international players must equally take a bold moral stance in condemning incipient retaliatory violence by the opposition, including encouraging it to stick to a non-violent, democratic



struggle.

- **A culture of democratic peace:** Parties in Zimbabwe must go beyond short term and risky calculations aimed at either capturing or retaining power in a polarized society. They must confront the glaring absence of democracy in the structures of political parties which has bedevilled and divided both the ranks of the ruling party and the opposition MDC alike, and paralysed Zimbabwe's politics. Far-reaching constitutional and electoral reforms will be required to ensure that Zimbabwe does not remain a 'trapped democracy'. Zimbabwe needs to fully implement the full range of regional and continental instruments designed to consolidate democracy, including the 2004 SADC Principles and Guidelines Governing Democratic Elections, the Constitutive Act of the African Union, its African Charter for Democracy, Elections and Governance and its Declaration on the Principles Governing Democratic Elections in Africa. Finally, Zimbabweans must rededicate themselves to the human rights regime as laid out in the African Charter on Human and Peoples Rights, including instituting a property rights regime to govern critical issues such as land, clearly at the root of Zimbabwe's crisis.
- **Economic recovery strategy:** In view of disputes in the national, regional and international realms over how to get Zimbabwe's economy out of the current mire, the regional framework offers the most feasible route to economic recovery. South Africa should consider revisiting its offer of a \$500 million credit line to Zimbabwe, which it had proposed in 2005 to enable the country to offset its debts to international donors. This should serve as a carrot to leverage its mediation, leading to a government of national unity. Zimbabwe's roadmap to recovery needs to begin with the report of the SADC Executive Secretary, Tomaz Augusto Salomá, on the economy as the basis of both regional and international financing of recovery, including short-term bailouts by SADC's finance and planning ministries, and international engagement. Regional financial institutions, particularly the Africa Development Bank (ADB) and the Development Bank of Southern Africa (DBSA), have a role to play in coordinating a 'mini-Marshall Plan' for Zimbabwe. Central to this plan is a land reform strategy.
- **A UN sanctioned SADC/AU military intervention:** As long as the dialogue towards power-sharing and democratic consolidation remains on course and in the absence of civil war, national, regional and international actors need to resist the temptation to push for military intervention aimed at forcibly removing President Mugabe from power. However, intervention by a SADC-AU force, possibly the SADC Brigade as part of the African Union Standby Force (ASF), might become necessary if Zimbabwe descends into full-blown civil war, but the chances of this are minimal.
- **International sanctions:** Western powers now implementing sanctions against Zimbabwe should consider lifting them as soon as a unity government is formed to give peace a chance. Instead, members of the international community, broadly defined, should now consider pushing for multilateral sanctions targeting both ZANU-PF and the MDC to desist from violence and commit to the realization of the AU resolution calling for the end of violence and peaceful negotiations to achieve an inclusive government of national unity. The US and EU need to halt the trend towards institutionalizing 'communalized sanctions' targeting the children of Zimbabwean politicians as these sanctions undermine the fundamental human rights of the children involved.



1. Introduction

Zimbabwe's 2008 elections – both the 29 March harmonized elections and the 27 June presidential run-off – were like no other Africa has witnessed in over five decades. They were a total war that left the country badly divided. Zimbabwe's neighbours in the Southern African Development Community (SADC), the African Union (AU) and the world anticipated that the election would serve as a conflict resolution strategy to break Zimbabwe's eight year political impasse and the accompanying economic malaise. But the aftermath of the election has seen Zimbabwe falling into an even deeper crisis than before the election.

The opposition narrowly won the parliamentary vote but failed to garner the mandatory 51% of the presidential vote, forcing a run-off between the two top contenders, the incumbent, President Robert Mugabe, and opposition leader, Morgan Tsvangirai, to break the tie. Sadly, the 27 June presidential run-off turned into a dangerous minefield of violence and intimidation with restriction of people's rights seriously compromising the integrity of the electoral process and the prospects of a free and fair outcome. President Mugabe was declared the winner of the second round after Tsvangirai withdrew and was sworn in as president, but regional election observers unanimously ruled that the election was neither free nor fair.

However, both SADC and the AU refrained from condemning the government. The AU summit at Sharm el Sheikh endorsed the SADC mediation led by the President of South Africa, Thabo Mbeki, and called for the establishment of a government of national unity. Differences over whether or not to recognize Mugabe's government or whether to back intervention or power-sharing have badly split the region undermining the SADC mediation. In addition pressure by western powers, led by the US and UK, for the UN to adopt sanctions against Zimbabwe's leadership also threatens to undermine the mediation. Voices calling for military intervention to enforce democracy in Zimbabwe are also growing louder and bolder.¹ This report examines the response to the outcomes of the March and June elections in Zimbabwe by internal, regional and international actors. It further explores the various policy options for restoring democratic peace and economic recovery in the country.

¹ Stephen Glover, 'Zimbabwe's Disintegration Leaves but one Option: Invasion', *Saturday Star* (Johannesburg), 28 June 2008, p.13.



2. The 2008 Elections: The Failed 'Elections as War' Strategy

Contrary to widespread expectations, the March 29 election and the subsequent 27 June presidential run-off did not provide a solution to Zimbabwe's eight year political impasse and pave the way for economic recovery. Since the onset of the crisis in Zimbabwe in the late 1990s, every election cycle has been seen as a chance to resolve the entrenched dispute between the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the opposition Movement for Democratic Change (MDC).² Like earlier parliamentary and presidential elections in 2000, 2002 and 2005, the 2008 election cycle has been a continuation of the protracted conflict by other means.³ In each case, the aftermath has seen the crisis deepening leaving Zimbabwe worse off than before, while the post-election paralysis has reinforced scepticism about the concept of elections as a tool for achieving democratic peace.⁴ It then becomes imperative to look for innovative ways to mitigate the divisive effects of elections and secure peace in post-election situations like that in Zimbabwe as a pre-condition for dealing with the challenges of economic recovery, food insecurity and poverty.

2.1. The 29 March House of Assembly and Senate elections

While past elections have been characterized by violence, events leading to the March 29 harmonized polls pointed to a free and fair environment with the polling day itself relatively peaceful and orderly. Even ardent critics of the Zimbabwe electoral process hailed the counting of ballots at the polling stations where they were cast, with the results posted outside, as 'a critical improvement on the past elections'.⁵ Convincing rival parties to accept this measure was a landmark achievement of the mediation by President Thabo Mbeki.

Table 1: The Results of the 29 March 2008 Zimbabwe House of Assembly election

Party	Party Leader	# of Candidates	# Elected	Popular vote	%
Zimbabwe African National Union-Patriotic Front	Robert Mugabe	219	99	1,110,649	45.94
Movement for Democratic Change-Tsvangirai	Morgan Tsvangirai	204	100	1,041,176	42.88
Movement for Democratic Change-Mutambara	Arthur Mutambara	151	10	202,259	8.39
Independents	-	104	1	54,254	2.25
Others	-	95	0	13,735	0.54
Total		773	210	2,421,973	100%

Source: Zimbabwe Electoral Commission (ZEC), see also *The Herald* at <http://www.herald.co.zw/inside.aspx?sectid=32780&cat+1>

As shown in Table 1, the MDC-Tsvangirai won 99 seats and MDC-Mutambara won 10 seats in the lower house of Parliament against 97 for ZANU-PF, the first defeat the ruling party had suffered since independence in 1980.⁶ Results for the Senate, created in September 2005, were evenly split between ZANU-PF and the two MDC factions combined, with 30 seats each. The parliamentary results became the centre of a renewed dispute as ZANU-PF contested the outcomes of 53 House of Assembly constituencies and Tsvangirai's party challenged the results of another 52.

Table 2: The Results of the 29 March 2008 Zimbabwe Senate election

	Party Leader	# of Candidates	# of Seats in 2005	# Elected	Ex-officials & appointees*	Total Senate seats
ZANU-PF	Robert Mugabe	61	43	30		63
MDC-T	Morgan Tsvangirai	61	-	24		24
MDC-M	Arthur Mutambara	36	7	6		6
Independents	-	20	0	0		0
Others	-	18	0	0		
Total		196	50	60	33	93

² See for example, International Crisis Group, *Zimbabwe: Another Election Chance*, Africa Report No.86, 30 November 2004 and *Zimbabwe's Election: The Stakes for Southern Africa*, Africa Briefing, 11 January 2002.

³ Norman Mlambo, 'Moods of Bitterness: How Political Polarization has influenced Zimbabwean Elections', *Journal of African Elections (Special Issue on Zimbabwe's 2005 General Election)*, Vol. 4, No.2 October 2005, pp.15-36.

⁴ S. Gates, T. L. Knutsen and J. W. Moses, 'Democracy and Peace: A More Skeptical View', *Journal of Peace Research*, 33, 1(1996): pp. 1-10.

⁵ International Crisis Group, *Negotiating Zimbabwe's Transition*, Africa Policy Briefing, No.51 21 May 2008, p2.

⁶ Following three by-elections in June 2008, ZANU-PF extended its parliamentary seats to 99 while MDC-T increased its seats to 100. Violet Gonda, 'Zimbabwe: Parliamentary By-Election Results,' SW Radio Africa (London), 30 June 2008.

*These include 18 Ex-officio senators (chiefs), including the president and deputy president of the Council of Chiefs; 5 Senators directly appointed by the President; and 10 Provincial governors directly appointed by the President.

Source: Zimbabwe Electoral Commission (ZEC), see also Zimbabwe Metro (<http://www.zimbabwemetro.com/2008/04/03/live-senate-results/>).

The legal provision that the winning party in the presidential polls was entitled by law to hand-pick another 30 senators dramatically raised the stakes for the presidential results. The MDC-Tsvangirai led the vicious battle for public perception, claiming that it had won 60% of the presidential votes before revising the figure downwards to between 57% and 58% and finally settling on 50.3%. On 2 May, the Zimbabwe Electoral Commission (ZEC) called a meeting of the four presidential candidates to verify the figures collected by parties before the official announcement of the presidential result. MDC-Tsvangirai reportedly failed to substantiate its 50.3% victory claim, forcing the ZEC to give Tsvangirai 24 more hours within which to demonstrate how he arrived at the figure.

Unable to substantiate its tally, Tsvangirai's party accepted the final verdict of the ZEC which showed Tsvangirai ahead with 47.9% against Mugabe's 43.2% while independent candidates Simba Makoni and Langton Towungana won 8.3% and 0.6% respectively.⁷ As none of the four candidates secured the mandatory 51%, the top two contenders (Tsvangirai and Mugabe) were required to contest a tie-breaker slated for 27 June.

2.2. The 27 June presidential run-off

A painfully slow vote tallying process following the initial presidential elections generated a great deal of conflict, stoked by widespread, but largely unsubstantiated claims of a vote-rigging plot by ZANU-PF. Inter-party relations were further strained when, contrary to Zimbabwean law which demands that a run-off be held within 21 days of the official announcement of the results, the ZEC postponed the date for the run-off citing logistical reasons (including the need to resolve a total of 105 disputes arising from the House of Assembly outcomes contested by both parties). At first, it was suggested that the presidential run-off be held once these cases had been resolved in line with the Electoral Act, which stipulates that the Electoral Court must deal with such cases within six months. In view of the potential of this stipulation to lead to further dispute, a decision was taken to conclude at least half of these cases expeditiously so as to give a fairly accurate picture of the veracity of the parties' claims. Once this had been done the run-off would take place at the end of June.⁸ Seventeen judges were appointed to deal with the cases, enabling the run-off to take place on 27 June.

Table 3: The Results of the 29 March and 27 June Presidential elections

Party	Candidate	1 st Round (29 March)		2 nd Round (27 June)	
		votes	%	Votes	%
ZANU-PF	Robert Mugabe	1,079,730	43.2	2,150,269	85.5
MDC-T	Morgan Tsvangirai	1,195,562	47.9	233,000	9.3
Independent	Simba Makoni	207,470	8.3	-	-
Independent	Langton Towungana	14,503	0.6	-	-
Invalidated				131,481	5.2
	Totals	2,497,265	100.0	2,514,750	100.0

News **Source** for 1st Round, Zimbabwe Electoral Commission (ZEC), BBC (<http://news.bbc.co.uk/2/hi/africa/7380445.stm>); **Source** for 2nd Round, Zimbabwe Electoral Commission (ZEC), Floyd Nkomo, "President Mugabe Wins Run-Off, Sworn in", *The Zimbabwe Guardian* (London), 29 June 2008.

On 10 May, Tsvangirai finally announced that he would take on Mugabe in the run-off after initially saying that he would not run, which would have given President Mugabe an early walk-over. However, a few days before the polls, Tsvangirai pulled out of the race citing increasing political violence and intimidation of his party and its supporters. Despite increasing pressure to call off the polls, the ZEC said the withdrawal was a 'nullity' with no legal consequence because it was filed too late. On 29 June, the ZEC declared President Mugabe the winner of the controversial run-off with a total of 2,150,269 votes or 85.51% of the total vote cast. Mugabe was immediately sworn in for another five-year term. Tsvangirai, whose picture remained on the ballot box despite withdrawing a few days before the election, won 233,000 votes (9.3%). Forty-three per cent of eligible voters cast their ballots and 131 481 ballot papers were spoilt. The controversial nature of the polls has intensified conflict between President Mugabe's

⁷ Africa Policy Institute interview, Harare 5 May 2008. See also, Mabasa Sasa, "Presidential Tie-Breaker", *New African* No. 474, June 2008, pp.53-54.

⁸ Mabasa Sasa, "Presidential Tie-Breaker", *New African* No. 474, June 2008, p.53.



ZANU-PF and Tsvangirai's MDC and has also led to regional and international tensions over the results and the future of post-election Zimbabwe.



3. Political Parties or War Fronts?

3.1. ZANU-PF: a violent comeback and digging in

The loss of control over Parliament for the first time in its history and Mugabe's defeat by Tsvangirai in the 29 March harmonized polls presented ZANU-PF with two options: to concede defeat and enter into a power-sharing arrangement with the opposition, or to proceed with a mandatory run-off as provided for in the electoral laws hoping to win, recapture power and reassert its political authority. However, a prospective power-sharing deal based on ZANU-PF's electoral defeat neither offered guarantees for the long-term survival of the party nor for the security of the military, the police and the green bomber militias against prosecution under the new government for alleged abuses against civilians.

The 27 June presidential run-off provided ZANU-PF with the only lifeline and chance to avoid total obliteration, possible arrest and prosecution of its top leadership and a reversal of its radical land policy. While the electoral loss weakened ZANU-PF moderates, it emboldened and gave free sway to party hardliners and allied securocrats led by the powerful Minister for Rural Housing, Emmerson Mnangagwa. The party rejected appeals by both a group of party moderates led by Vice Presidents Joyce Mujuru and Joseph Msika and regional leaders like South African President Thabo Mbeki, to avoid a costly and potentially divisive presidential run-off poll and to negotiate a peace pact with the victorious MDC resulting in a transitional power-sharing arrangement including, or presided over by, Tsvangirai.⁹

Instead, party militants embarked on a strategy of instigating violence to recapture power, potentially paving the way for post-election peace talks on their own terms. This survival strategy was informed by the ZANU-PF elites' past experience in dealing with the opposition, especially its successful tactic of waging an intensely violent campaign known as *Gukurahundi* against the rival Zimbabwe African Peoples Union (ZAPU) of Joshua Nkomo in the 1982–87 low intensity civil war. The use of extreme violence enabled the party not only to regain total political control, but ultimately also to enter into peace talks with Nkomo on its own terms, leading to the 1987 unity accord, a return to calm and the merger of ZANU and ZAPU into ZANU-PF. Re-enacting the 1980s *Gukurahundi* script, the hardliners argued that entering into negotiations before securing victory in the second round would reduce the party to playing second fiddle, forcing it to take part in the unity talks from a position of weakness. It was either victory (at the very least negotiations after winning the run-off) or a military take-over.

On 4 April, the party's lead organ, the politburo, formally endorsed Mugabe to contest the run-off, dashing any hope of a power-sharing deal before the repeat polls.¹⁰ Mnangagwa and the hardliners, backed by some key members of the Joint Operation Command (JOC) security chiefs, including Defence Forces Commander, Constantine Chiwenga, Air Marshall, Perence Shiri, and Police Commissioner, Augustine Chihuri, immediately launched *Gukurahundi II* as a strategy of state-sponsored violence designed to win the 27 June run-off at all costs. As a result, the run-off polls unfolded as total war rather than a democratic contest.

Earlier predictions that the election would lead to widening splits within the military over whether to mount a crackdown on the opposition were frustrated. Mugabe, it is clear, is merely the soft civilian tip of the hard military core that now dominates Zimbabwe's politics. The military came under attack for allegedly 'waging a systematic war of terror on the rural people, while the vote is being "faultlessly rigged, ahead of a contrived presidential run-off".¹¹ Much of the violence was blamed on soldiers, the police, intelligence operatives, youth militias and liberation war veterans. The military high command reportedly put 250 senior officers in command of the irregular units with instructions to monitor and attack the opposition.¹²

Zimbabwe's economic melt-down had always been theorized as the 'main opposition' to the ruling party. ZANU-PF stalwarts expected a stiff contest owing to the unpopularity of the regime among peasants desperate for change, the impact of economic collapse, food insecurity, inflation and unemployment. A pre-election report by Joseph Kurebwa, a professor at the University of Zimbabwe, submitted to the party's strategists, presciently warned that: 'The precarious state of the national economy, characterized by high-level inflation, unemployment and the cost of living as well as low productive and export

⁹ See, Jameson Mombe, "Mbeki holds Talks with Mugabe", *Zimonline*, 10 May 2008. The Governor of the Reserve Bank, Gideon Gono estimated that the would cost a whopping US\$60 million, also warning that "imperialist forces" bent on "destabilizing Zimbabwe" will likely "smuggle all the help" to secure opposition victory. See Crisis Group, *Negotiating Zimbabwe's Transition*, Africa Briefing, No.51, 21 May 2008, p4.

¹⁰ Chris Chinaka, "Party backs Mugabe to contest poll run-off", *Reuters*, 4 April 2008.

¹¹ "Zimbabwe: By Hook or By Crook", Special Report, *Africa Today*, 14, 5/6(May/June 2008), p.9.

¹² Africa Policy Institute interview with a political analyst, Harare, April 2008.



capacities poses a serious impediment to an overwhelming ZANU-PF victory.¹³ Despite the warning, ZANU-PF leadership did little to prepare the party to overcome impending defeat on an economic platform during the March polls.

In the run-up to the June run-off, party pundits pursued a three-pronged strategy of playing the nationalist/anti-colonial card, demonizing the opposition and manipulating the long legacy of historical injustices relating to land ownership and use by black Zimbabweans. Re-oiling the party propaganda machines, the 2008 election cycle was projected as yet another bloody battle in the 'Third *Chimurenga*' (war for economic liberation and against 'imperialism' in a new guise) which began with the violent seizures of white settler farms in 2000.¹⁴

The anti-colonial rhetoric was whipped to a fever pitch. Speaking at the 28 April independence celebrations, Mugabe said that:

After all the tribulations we went through during the liberation struggle you now agree and say, 'yes, we want the British to come back and rule.' Be careful. Our political history is well known, yet, with time, we feel more challenged to recall it, especially for those who appear ignorant of or are deliberately engaged in reversing the gains of our liberation struggle. We need to maintain utmost vigilance in the face of vicious British machinations. They are now using money to buy our people to abandon their rights. You chose not to vote for me because you are hungry. What a shame. You can be bought so cheaply.¹⁵

The MDC was cast, not as a legitimate product of opposition politics in Zimbabwe, but as a 'stooge' created to return Zimbabwe to the former colonial power, the United Kingdom. 'I swear to you today, that the British stooges will never rule this country. It will never happen in this country,' Mugabe exclaimed. The depiction of the opposition as the stooge of a foreign enemy provided the ideological basis for brazen violence as the MDC leadership and supporters became fair game for attacks by ZANU-PF militias. On 25 April, police raided the MDC Harvest House headquarters and the offices of the Zimbabwe Elections Support Network, reportedly arresting 215 people.¹⁶

The country has been caught in a vicious battle of egos between the ZANU-PF leadership and the British Labour Party chiefs (Tony Blair and Gordon Brown). The British role in the Zimbabwe crisis still has to be explained, especially their slipshod response to Mugabe's demand in the 1990s that Britain fulfil its Lancaster House agreement to pay for land redistribution from white farmers to the black Zimbabweans expressed in the words: 'We do not accept that Britain has a special responsibility to meet the costs of land purchase in Zimbabwe.' But equally culpable is the ZANU-PF regime, which has pursued a violent and populist policy of land redistribution to oil its patronage structure and to maintain a stranglehold over the rural peasantry. This was the strategy it adopted for winning subsequent elections following the loss of the crucial referendum on a new constitution in February 2000. Far from empowering black people across the board, the forced removal of Zimbabwe's 4,500 white farmers by war veterans in the unplanned fast-track land reform in 2000-2002 triggered a catastrophic fall in agricultural production, sharp rises in the prices of agricultural commodities, chronic food insecurity, a prolonged humanitarian crisis, unemployment, a spectacular rise in inflation and economic collapse.

Worse still, the outcry and racial sentiments generated by the violations of the property rights of Zimbabwe's white minorities raised the ire of the West, especially the EU member states, Australia, New Zealand, Canada and the United States against the Mugabe regime, leading to a pro-democracy 'opposition strategy' that witnessed one of the most concerted initiatives to provide external support to an African opposition movement in recent decades, palpably evident during the 2008 election.¹⁷

At the centre of ZANU-PF's envisaging of the 2008 election as war is the white community that remained behind after the defeat of the Ian Smith's minority rule, which led to Zimbabwe's independence in 1980. Arguably, Zimbabwe's white settlers appear to have entered into an unspoken pact with Mugabe's nationalist colleagues in ZANU-PF and the military that they would be left alone if they stayed out of politics. But this pact fell away when they began to support the MDC in 1999, a move that ZANU-PF saw

¹³ Patrick Smith and Sue Cullinan, "Zimbabwe: Presidential Rivals Fight on", *The Africa Report*, No. 11 June July 2008, pp.34-37.

¹⁴ The first *Chimurenga* was against British colonial rule, the second against the white minority Rhodesian regime.

¹⁵ "Why Mugabe will refuse Zimbabwe's nay vote", *Business in Africa*, June 2008, pp.61-62; "Mugabe denounces Britain in post-poll speech," Reuters, Friday, 18 April 2008.

¹⁶ "Police Swoop on MDC-T HQ nets 215", *The Herald*, 26 April 2008; "Zimbabwe Cops Arrest Hundreds in Raids", Sky News, 25 April 2008.

¹⁷ See International Crisis Group, *Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa*. Brussels: ICG Africa Report No.85, 2004.



as the continuation of colonial war by other means. Ahead of the run-off, ZANU-PF exploited reports of white settlers returning to reclaim their land after Tsvangirai was declared winner of the first round in order to intensify violence against white farmers as part of the violence preceding the run-off. Anti-white violence was also linked to efforts by white lobbies to lodge an appeal with the SADC Tribunal Court in Windhoek, Namibia – the multilateral court – against farm seizures.¹⁸ One of the post-election challenges is to reassert the right to property and citizenship, depoliticise land issues and streamline land policy as an integral step to a national economic recovery strategy. Related to this is whether the post-election dispensation will inspire the confidence of the regional and international actors, particularly the UN agencies, the EU, the UK, the US, the World Bank and other donors to inject massive resources to kick-start economic recovery, including support to land reform and the provision of social and extension services to farming communities.

The progressive erosion of internal democracy within the party since 2000 and internal schisms over power also impeded ZANU-PF victory. In his report, Kurebwa identified ZANU-PF's suppression of internal dissent as a worse impediment even than the ailing economy. 'Probably the most critical failure,' Kurebwa observed, 'has been the party's ill-disposition towards internal dissent and external opposition, which has alienated potential and actual supporters.'¹⁹ To a large measure, the 29 March defeat of the party and Mugabe reflected the party's weakness in the wake of a number of voices calling for a generational change of guard and for Mugabe's retirement.

The move by the faction allied to Mnangagwa to put together a line-up to replace the old guard with new leadership during the famous 'Tsholoshosho'²⁰ meeting ahead of the important December 2004 party congress was brutally suppressed. The March 2008 election took place against the backdrop of bitter internal opposition to Mugabe's efforts to extend his presidential term during the December 2006 party conference. Mugabe not only used his presidential fiat to secure the party's nomination for the 2008 presidential elections, but also systematically punished and isolated his critics, exacerbating internal divisions that reached a dangerous peak with former Finance Minister, Simba Makoni, challenging Mugabe for the presidency. The party's survival in the post-election period depends largely on it moving briskly to consolidate internal democracy, to build cohesion and to end internal schisms – a tall order in the face of the triumph of party hardliners. Mugabe is at the heart of Zimbabwe's crisis. ZANU-PF's own long-term survival as a party largely depends on how soon Mugabe exits power or retires, paving the way for the long-delayed changing of the guard to accommodate a more youthful generation.

'ZANU-PF has never embraced a democratic agenda', observed a senior ANC official at the height of the infamous operation *Murambatsvina*.²¹ But feeling the heat from regional and international pressure, a post-election ZANU-PF has to recommit itself to democratic peace and forge an inclusive government of national unity. Speaking immediately after his victory and inauguration on 29 June, President Mugabe called for 'serious dialogue' between political parties to promote greater 'unity and cooperation'.²² Mugabe extended an olive branch to Tsvangirai, inviting him to the swearing in ceremony in a move that presidential spokesman, George Charamba, said was made 'in the spirit of the president's wish to reach out' as a 'major step towards political engagement'.²³ Although Tsvangirai did not attend, the spokesman of the MDC-Mutambara faction, Gabriel Chaibva, attended the ceremony, signifying a split in the opposition on how to respond to Mugabe's contested re-election.

Mugabe, who attended the recent AU summit at Sharm el Sheikh in Egypt, welcomed the AU resolution calling for a 'government of national unity'.²⁴ But the MDC rejection of the AU call for talks makes the future of a unity government uncertain.²⁵ Tsvangirai has rejected Mbeki's call, as mediator, for an expanded AU mission headed by a permanent envoy. But a post-election power-sharing arrangement

¹⁸ "Tell-all white farmer kidnapped", *Daily Dispatch online*, 1 July 2008.

¹⁹ Patrick Smith and Sue Cullinan, "Zimbabwe: Presidential Rivals Fight on", *The Africa Report*, No. 11 June July 2008, pp.34-37.

²⁰ The 'Tsholoshosho declaration' which derived its name from the meeting held in November 2004 in the rural House of Assembly constituency in Matabeleland North Province was an attempt to revitalize the party by drawing a leadership line-up that balanced Zimbabwe's ethnic, generational and gender identities to confront the multi-party reality. The line-up included Mugabe, a Zezuru, as President; Emmerson Mnangagwa, a Karanga as First Vice President; Thenjiwe Lesabe (a female Ndebele war veteran as Second Vice President; Patrick Chinamasa, a Manyika Young Turk as national chairman; and Jonathan Moyo, an Ndebele Young Turk as Secretary for Administration.

²¹ This urban blitz is said to have displaced some 700,000 people and affected some 2.4 million others. Africa Policy Institute interview with a senior African National Congress (ANC) official, Johannesburg, 27 July 2005.

²² "Mugabe begins new term as criticism of one-man election mounts", AFP 29 June 2008; "Zimbabwe: President Mugabe Wins Run-off, sworn in", *The Zimbabwe Guardian*, 29 June 2008..

²³ "Mugabe wins one-candidate election", *Reuters*, 29 June 2008.

²⁴ "Africa Union call for Zimbabwe unity", *BBC News* 1 July 2008.

²⁵ SAFM, "Tsvangirai reject government 2 July 2008.



based on democratic peace demands that ZANU-PF abandon its exclusivist nationalist ideology and forge an inclusive notion of citizenship which treats the opposition as equal partner to the ruling party.

3.2. MDC: a regional strategy

The MDC, founded in 1999 by a broad coalition of civil society groups, trade unions, academics and professionals who defeated ZANU-PF in the 2000 constitutional referendum, went into the 2008 polls badly divided. The future of the opposition remained uncertain following the party's split into two rival factions over the 2005 Senate elections, with Tsvangirai and Arthur Mutambara failing to agree on sponsoring a single candidate. Tsvangirai, who faced serious questions about his leadership vision, abilities and tactics, plunged into the presidential race while the MDC-Mutambara backed the ZANU-PF renegade, Simba Makoni, as an independent candidate. When the ZEC announced on 2 May that Tsvangirai had won 47.9% votes in the presidential contest against Mugabe's 43.2% and his faction had won 99 seats in the House of Assembly, this came as a surprise, especially to the ruling party, which had underestimated and almost written off the MDC.

The electoral victory reasserted Tsvangirai's credibility and authority as MDC leader, rekindling opposition unity and forcing ZANU-PF moderates to consider conceding defeat and negotiating a transitional government. On 28 April, the two factions announced that they were uniting giving the opposition a clear parliamentary majority of 110 seats in the House of Assembly and putting it on a par with ZANU-PF in the senate with 30 seats.²⁶ The prospects of the victory of a united opposition in a presidential run-off also looked promising. But the MDC, whose popularity has thrived on ZANU-PF and Mugabe's growing unpopularity, is yet to articulate a coherent policy and strategy for pulling Zimbabwe back from the brink.

The MDC's unsubstantiated public claims that it was the winner of the election may have succeeded as a strategy to pre-empt government rigging of the results, but it reflected badly on its integrity. It also irked the security forces and 'war veterans' who warned the opposition that this amounted to 'a provocation against us freedom fighters'.²⁷ An alarmed government and security forces quickly accused the MDC of orchestrating a civilian coup.²⁸ Tsvangirai dithered when it came to making an unambiguous decision on whether to take part in the run-off, at one point saying that he would do so 'under protest'.²⁹ The MDC meeting held in Harare on 3 May (Tsvangirai participating from Johannesburg through video link-up) failed to agree on participating in the run-off. Party Vice President, Thokozani Khupe, compounded the situation when, the same day, she described the run-off as 'unlikely', at the same time vowing that if it did take place the MDC would win 'by an even bigger margin'.³⁰

Finally, on 10 May Tsvangirai declared that he would contest the run-off to 'knock-out the dictator for good', aware that boycotting the repeat poll, no matter how hostile the environment might be, would deliver victory to Mugabe on a silver platter. Despite this, he made his participation subject to an immediate end to the violence, allowing in international observers, deployment of a SADC peace-keeping force, full access to the media and reconstitution of the ZEC. While ending violence was a valid ground, analysts argued that some of the demands were unrealistic. 'Time is too short to put some of these measures in place such as a SADC peacekeeping force.'³¹ The MDC pushed for the run-off to be held on 24 May in line with the mandatory 21 days after the announcement of the results.

Ahead of the impending run-off, the MDC pursued a vigorous policy to mobilize regional and international support. Making claims of attempts on his life, Tsvangirai left Zimbabwe for 'exile' first in Botswana and later in South Africa. From there he made diplomatic shuttles to regional and international destinations. By highlighting the violence against its leaders and supporters by ZANU-PF militias and security forces the MDC succeeded in winning regional sympathy and support even within the traditionally pro-Mugabe SADC zone. Tsvangirai made inroads into Mugabe's regional and continental strongholds, with diplomatic trips to South Africa, Botswana, Mozambique, Rwanda, Zambia and countries in East and West Africa, including Kenya and Nigeria. Meeting with Mugabe's long-time ally, the President of Angola, Jose Eduardo dos Santos, on 10 May, he retreated from his April suggestion that Mugabe would be prosecuted, promising that if he won the election, Mugabe would still be highly regarded as the 'father of the

²⁶ "Zimbabwe's MDC factions re-unite", SABC News 28 April 2008; "Opposition re-unites in Zimbabwe", BBC News 28 April 2008; "Finally – together as before", *Zimbabwe Metro*, 28 April 2008.

²⁷ Allegra Stratton, "Zimbabwe election aftermath", *The Guardian*, 4 April 2008.

²⁸ API interview with a Zimbabwean academic, 2 April 2008.

²⁹ "Zimbabwe Opposition Leader won't say if he'll take part in run-off until election date is set", *International Herald Tribune*, 5 May 2008.

³⁰ "MDC stalls over Zimbabwe run-off", Al Jazeera, 3 May 2008; "MDC 'will win again'", Sapa-AFP, 3 May 2008.

³¹ API interview with a political analyst, Harare 7 May 2008.



nation'.³² On 12 April, Tsvangirai was invited for the first time to the SADC meeting in Lusaka, signifying his acceptance as a key player in resolving the Zimbabwe crisis.

While the MDC top leadership spent time on regional and international trips the party lost vital time needed to consolidate its support and to prepare logistics for the second round. This left the road open for ZANU-PF activists to make a come-back. Tsvangirai did not return to Zimbabwe as expected on 17 May claiming there was a plot to assassinate him.³³ On 20 May, the US Ambassador to Harare, James Mcgee, called on Tsvangirai to return home despite security concerns, saying that: 'as a strong leader, he should be back showing his people that he cares every bit as much for them as they do for him.'³⁴ This prompted Mugabe to threaten to expel McGee from Zimbabwe on 25 May.³⁵ A political analyst told the Africa Policy Institute (API), 'Tsvangirai's postponement of his return called into question his leadership qualities. It made it look like he was afraid of Mugabe and not brave enough to risk facing harm despite the risk his supporters who remained behind had taken.'³⁶

Violence was the single most important issue around which the MDC harnessed its campaign to win the hearts and minds of regional and international players. It depicted the violence as a 'grand plot to rig the elections' by ZANU-PF by attacking MDC supporters and displacing them from their constituencies. On 27 May, Tsvangirai announced that 50 supporters had been killed in the spiralling violence.

Contrary to popular views, the violence was not on one side only. In March, Kenyan-style violence looked imminent as MDC supporters retaliated when their houses were set on fire. The retaliatory attacks by opposition supporters added to the growing incidence of violence. Although the MDC violence has been described as retaliatory, police who raided the MDC offices on 25 April claimed that they were looking for individuals who had engaged in arson attacks on 16 April on four homesteads, tobacco barns and fowl runs belonging to Zanu-PF supporters in the Mayo resettlement area in Manicaland.³⁷ The police alleged that the attackers had taken cover in Harvest House, where the MDC headquarters are situated.

Zimbabwe's security establishment and politicians also pointed to increased organized violence by MDC supporters. Police Commissioner, Augustine Chihuri, told a gathering of church leaders that ZANU-PF and MDC were both orchestrating violence from rural bases, promising that the police were working to dismantle the bases.³⁸ On 16 May, Mugabe accused the MDC of terrorizing ZANU-PF supporters in rural areas and warned that the MDC was 'playing a very dangerous game'.³⁹ There were reports of arrests of MDC MPs on the grounds of organizing violence. One MDC parliamentarian, Ian Kay, was arrested on 20 May for his alleged role in violence in Mashonaland East. Another MP, Among Chibaya, was arrested the next day for allegedly inciting junior officers in the police to rebel. As violence escalated, on 29 May President Mugabe visited the site of an alleged attack by MDC supporters at Shamva, where a homestead was burned down. Mugabe warned the MDC to, 'stop immediately this barbaric campaign of burning and destroying people's homes.'⁴⁰ Days before the elections, on 20 June, Chihuri said that the MDC was primarily responsible for the violence, alleging that the party was using its democratic resistance committees to intimidate voters in an effort 'to influence the outcome of the elections'. He disclosed that the police had arrested 390 MDC supporters alongside 156 ZANU-PF supporters involved in violence.⁴¹ Harare officials further claimed that MDC activists, disguised as ZANU-PF members, had engaged in violence against the population, mimicking the tactics of the Selous Scouts during the war of liberation. An article published in the *Sunday Mail* further claimed that there was a 'predominance' of former Selous Scouts in the MDC structures, and that they were embarking on a new strategy of resistance. The article also claimed that former Selous Scouts were training MDC youth activists in violent tactics at locations near Tshwane (Pretoria) and Pietermaritzburg in South Africa.⁴²

While these claims might be part of a strategy to shift blame, independent observers have warned of growing 'retaliatory' violence by MDC supporters. Makoni, who refused to endorse any candidate for the

³² "ZEC likely to extend run-off date," Sapa-AFP 11 May 2008.

³³ Nelson Banyana, "Tsvangirai's life in danger", *Reuters*, 17 May 2008.

³⁴ Donna Bryson, "US urges Tsvangirai to return", Sapa-Associated Press, 20 May 2008.

³⁵ "Mugabe rails against US ambassador, opponent in upcoming presidential run-off", *International Herald Tribune*, 25 May 2008.

³⁶ "Tsvangirai less of a leader than Mugabe?" Sapa-AFP, *The Mercury*, 20 May 2008.

³⁷ Africa Policy Institute interview with NGO activist, 28 April 2008.

³⁸ "ZANU-PF means business", Sapa-AFP, 16 May 2008.

³⁹ Godfrey Marawanyika, "Mugabe acknowledges disaster", Sapa-AFP, 16 May 2008.

⁴⁰ "Grace stands her man", Sapa—AFP, 29 May 2008.

⁴¹ "MDC-T Behind wave of violence—Chihuri", *The Herald* (Harare), 21 June 2008.

⁴² Although our researchers are yet to confirm the truth about this aspect, our contacts in West Africa spoke of Zimbabwean youths travelling to Guinea for training. API telephone interview, Zimbabwean political analyst, Dakar, Senegal, 7 July 2008; Ralph Mutema, "Zimbabwe: Tsvangirai Asked Khama for Armoured Car", *The Zimbabwe Guardian*, 2 June 2008.



run-off, said on 29 May that there was evidence that some MDC supporters were increasingly engaging in retaliatory attacks against ZANU-PF and argued that a government of national unity was needed to stem the violence.⁴³ Human rights groups monitoring the violence indicated that in a departure from past practice, the MDC was retaliating against ZANU-PF groups. Analysts fretted that Zimbabwe could be descending into violence and civil war after the presidential run-off. Security analyst, Knox Chitiyo who heads the Africa programme at the Royal United Services Institute, (RUSI) London, noted that Zimbabwe has not as yet descended into civil war.⁴⁴ He, however, noted ominously that: 'There may be the emergence of terrorist groups', but added the rider that the 'people remember the war of liberation and the terrors that [it] brought. People are very fearful.'⁴⁵

Speaking on the SABC programme, *African View*, a Zimbabwean cabinet minister charged that the violence was perpetrated by militias trained in military skills in a neighbouring country (she declined to name the country) before they infiltrated the country to create mayhem.⁴⁶ If there is a grain of truth in this public disclosure by the Zimbabwean authorities, then it is cause for great concern.

The MDC descent to armed violence cannot be completely ruled out. Analysts have noted that the, 'MDC youth and general public are increasingly fighting back, and it is likely that their responses will become increasingly sophisticated.' Ahead of the run-off, it was noted that, 'the mood of frustration is beginning to be felt at the top echelons of the party.' One view is that the 'MDC is unlikely to launch a war against ZANU-PF' because this 'would lead to swift retribution from the government'. But the party has been under intense pressure to take a robust position in confronting ZANU-PF violence.⁴⁷

The prevalence of violence by disillusioned MDC youths and grassroots leadership as a strategy to counter state violence or pursue political agendas is likely to increase in the post-election period. 'If MDC leaders cannot deliver a credible strategy for victory, then they may well be overtaken by a younger generation of opposition activists who are will to fight violence with violence, thus challenging Tsvangirai's leadership,' observes Chitiyo.⁴⁸ This demands that both the MDC and ZANU-PF respond immediately by embarking on negotiations for a power-sharing transitional government to diffuse tensions and avoid the threat of armed insurrection.

The MDC has not effectively shaken off the label of serving the interests of the West. Statements highly supportive of the MDC leadership by the West, especially the UK and US, have tended to reinforce perceptions promoted by ZANU-PF that the party is a stooge of external actors. Officially launching the ZANU-PF campaign on 25 May, Mugabe pushed this line of argument, stressing Tsvangirai's Western backing, stating that the UK and US were joyful over the results of the first round. Whatever the merit of Tsvangirai's decision to take cover in the Dutch embassy after pulling out of the run-off, the move has tended to reinforce the view that he is not his own man. 'Taking refuge in a friendly African mission like Botswana or Nigeria would have raised his profile in the SADC and African Union diplomacy,' said a political analyst.⁴⁹

Five days to the election, on 22 June, Tsvangirai suddenly announced that he was withdrawing from the run-off against Mugabe, citing state-sponsored violence, inability to have access to supporters, the destruction of the MDC's structures, Mugabe's announcement that he would never relinquish power, electoral manipulation and politicization of the electoral commission. This is evidence enough that he would have 'lost' the run-off as the state controlled all aspects of the election. Despite this, the decision, which came too late in the electoral process, was somewhat disappointing because it effectively delivered the presidency to Mugabe who resisted international calls to halt the elections and embark on negotiations with Tsvangirai. It was also a propaganda coup for ZANU-PF which used the event to describe Tsvangirai as a weakling and a vacillator. While Tsvangirai has been criticized for withdrawing, his MDC was damned if it did, damned if it didn't.⁵⁰

However, the exit opened the way for a build up of regional and international support for a negotiated end to the Zimbabwe crisis. Notably, convincing his supporters that this was the right decision to take is key to Tsvangirai and the MDC's political survival. In the absence of a post-run-off plan, the move might hurt the party and increase internal divisions. However, the wider dimension of the strategy is to win

⁴³ "Zimbabwe's Makoni calls for unity", BBC News 29 May 2008; Makoni calls for halt on run-off", Sapa-Associated Press, 29 May 2008.

⁴⁴ Dr. Chiyo is also a former co-director of the Centre for Defence Studies at the University of Zimbabwe.

⁴⁵ "Civil war fears for Zimbabwe after election collapse", *Daily Record*, 23 June 2008.

⁴⁶ SABC, *African Views*, June 2008.

⁴⁷ Knox Chitiyo, cited in Zimbabwe: Presidential Rivals Fight on", *The Africa Report*, No11 June-July 2008, p.36.

⁴⁸ Knox Chitiyo, cited in Zimbabwe: Presidential Rivals Fight on", *The Africa Report*, No11 June-July 2008, p.36.

⁴⁹ API telephone interview with a Harare-based political analyst, 1 July 2008.

⁵⁰ Knox Chitiyo, "Tsvangirai's new struggle: Zimbabwe's opposition leader must convince his party he hasn't played into Mugabe's hands," *The Guardian* (London), 24 June 2008.



regional the international hearts and minds to bring pressure to bear on Mugabe to yield power to the MDC. This strategy is fraught with risks. While western powers have upped the ante in taking measures against Mugabe, Africa has been cautious in imposing tougher punitive measures. The AU has called for a government of national unity, but has not condemned the Mugabe government.

The MDC has remained ambivalent on entering negotiations with the Mugabe government. Hopes for a negotiated solution lie in the fact that ZANU-PF is keen to emerge from isolation and avoid regional condemnation and isolation. While the MDC is enjoying immense international goodwill and support, failure to make strategic moves to clinch power in a power-sharing coalition with ZANU-PF will gradually erode its popularity and weaken it as a political player.

Tsvangirai has consistently rejected Thabo Mbeki as a mediator, calling for his removal because he is not critical of Mugabe. 'We have stated before and wish to restate here in front of our African brothers that we are disturbed by the role that President Mbeki is playing in undermining our people's victory. We are disturbed by his conduct as a mediator, particularly by his comments regarding the crisis in our country as well as his disinformation campaign during the recent SADC meeting in Mauritius as well as during the just ended United Nations Security Council meeting in New York,' he said.⁵¹ Tsvangirai's Secretary General, Tendai Biti, has been more reconciliatory. In a radio interview Biti called Mbeki 'comrade', stressing that with or without Mbeki's mediation, South Africa was central to the resolution of the conflict in Zimbabwe. The AU has endorsed SADC's appointment of Mbeki as mediator in Zimbabwe, a fact that Tsvangirai has bitterly rejected.

3.3. Whither the third way?

The electoral stalemate after 29 March brought back the idea of the 'third way' in the form of a neutral candidate to head a transition government and avoid a run-off. The notion of a third way was earlier given currency by the dangerous polarization of Zimbabwe's politics, opposition disunity and paralysis as well as Zanu-PF's failure to institute internal democracy and to decide on a post-Mugabe order, but the idea failed to gain traction. In July 2005, former Minister Jonathan Moyo, who stood in the 2008 election as an independent member of the House of Assembly, launched the United People's Movement (UPM) as a vehicle of the 'third *Chimurenga*', but the idea failed to gain traction and the UPM fizzled out.⁵² The splitting of the MDC into two factions following the bruising disarray over Senate elections in November 2005 and the entry of Arthur Mutambara to head one of the factions rekindled the idea of the 'third way' between ZANU-PF and the MDC.⁵³

Failure of the two MDC factions to unite behind a single presidential candidate saw former Finance Minister, Simba Makoni, trying to fill the void of the 'third way' in the run-up to the elections.⁵⁴ On 5 February, Makoni formally announced that he would be an independent presidential candidate. But Tsvangirai's confirmation on 11 February that he would be the presidential candidate of his faction quashed speculation that he might rally behind Makoni's bid. However, although Makoni was expelled from ZANU-PF and declared that he was 'not in alliance with anyone', he neither denounced nor formerly cut links with the ruling party. On 15 February, Mutambara announced that his faction would back Makoni, who immediately became a target of attacks by Mugabe and Tsvangirai.⁵⁵ On 21 February, Mugabe described Makoni's bid as 'absolutely disgraceful',⁵⁶ disparagingly comparing Makoni to a prostitute and chiding him for being 'a frog trying to inflate itself up to the size of an ox,' which he expected to burst.⁵⁷ While praising Makoni as a patriot, Tsvangirai wrote him off, saying that he had 'been part of the establishment for the last 30 years' and therefore shared responsibility with Mugabe for Zimbabwe's situation. Even more scathing was Tsvangirai's claim that Makoni, a quintessential reformer,

⁵¹ MDC, "Remarks by MDC leader Morgan Tsvangirai at the end of his West Africa tour", MDC, 22 April 2008 available at: <http://www.cosatu.org.za/news/today/tod23ap5.doc.doc>, accessed 29 June 2008.

⁵² Jonathan Moyo, "The Third way: Zimbabwe's last Chimurenga", *NewZimbabwe.com*, 26 July 2005. Author's various interviews with Moyo from 2005.

⁵³ Mutambara rose to the limelight of Zimbabwe's politics after he spearheaded the first post-independence demonstrations at the University of Zimbabwe in the 1980s against the Mugabe regime's plans to introduce a one-party state. Upon his re-entry into politics, ZANU-PF has charged that Mutambara is a CIA agent and ordered the state-controlled media not to report on him. Various interviews by the author with Mutambara since 2006. Hativagone Mushonga, "Is Arthur Mutambara Zimbabwe's Hope?", Institute of War and Peace Reporting, Harare, Africa Report no. 55, 28 February 2006. Dumisani Muleya, "Mixed reactions to Mutambara", *Zimbabwe Independent*, 31 March 2006.

⁵⁴ Africa Policy Institute, *The Makoni Moment: Zimbabwe's Turning Point*, Policy Brief No.3 March 2008.

⁵⁵ Fikile Mapala, "Mutambara withdraws from race, backs Makoni", *NewZimbabwe.com*, 15 February 2008.

⁵⁶ "Mugabe labels rebel former finance minister 'prostitute'", AFP, 21 February 2008.

⁵⁷ See Peter Kagwanja, "Can Makoni succeed where Tsvangirai has failed?", *The Monitor* (Kampala), 19 March 2008.



intended to merely 'reform and institutionalize dictatorship', dismissing him as 'old wine in a new bottle'.⁵⁸

Makoni received a marginal 8.3% of the presidential vote, hardly enough to position him as a compromise candidate in a government of national unity, although he will remain a player in a future power-sharing deal. Despite the loss, Makoni's principle backer, former military commander, Dumiso Dabengwa, celebrated the results saying that Makoni's campaign had accomplished its mission by preventing either Mugabe or Tsvangirai from winning a first round majority. However, Dabengwa opposed a run-off, favouring a transitional government of national unity followed by a new election.⁵⁹

After the March elections, the Makoni political agenda rallied around the notion of an inclusive transitional government to avoid a run-off and to organize fresh elections, which he hoped to win. On 2 May, Makoni said that Zimbabwe could not afford to hold a second round, arguing that 'the way forward for the country is for political leaders to work together'.⁶⁰ In the same vein, Makoni's political strategist, Ibbo Mandaza, declared that 'Mugabe has lost the election', calling on him 'to step aside and allow the new [democratic] process to take place'.⁶¹ Mandaza envisaged a role for Makoni in a Tsvangirai-led unity government. 'The MDC won. We must allow them to form the next government...There is no doubt that Tsvangirai will extend his hand to all others [to form a government of national unity]'.

Tsvangirai reportedly was prepared to form a government of national unity that included Makoni and moderates in ZANU-PF.⁶² However, the Makoni camp blamed the MDC for its painfully slow pace in developing a provisional idea of how to run a transitional government, urging the party to put the initiative in place.⁶³ Makoni's relations with Tsvangirai nose-dived during the 12 April SADC meeting in Lusaka when the former ZANU-PF stalwart, with support from Mbeki, put himself forward as a transitional leader to replace Tsvangirai. In response, Tsvangirai pointed out that Makoni's poor electoral showing did not give him a mandate to lead a transitional government. In a reconciliatory move, Makoni's supporters have insisted that the party with the highest votes in the 29 March elections (MDC) should form the government, and appoint a prime minister from the party that came second, in this case ZANU-PF. As violence escalated, Makoni called for a government of national unity and for a halt on the run-off to bring an end to the mayhem.⁶⁴ Ahead of the run-off Dabengwa, and other ZANU-PF stalwarts allied to the rival Mujuru camp, exerted mounting pressure on Makoni and Tsvangirai to strike a deal that would ensure that Makoni would occupy the newly created prime ministerial post in the event that Tsvangirai won the 27 June run-off. With Mugabe's controversial victory, Makoni's future and that of the 'third way' hangs in the balance.

⁵⁸ "Tsvangirai rules out pact with Makoni", *New Zimbabwe.com*, 11 February 2008.

⁵⁹ Lindie Whiz, "Dabengwa calls for 'transitional government'", *NewZimbabwe.com*, 21 April 2008.

⁶⁰ "Zimbabwe can't afford a run-off," Sapa-AFP, 2 May 2008.

⁶¹ Interview with Riaan Wolmarans, "Zimbabwe election Crisis: Where to from here", *Mail & Guardian* (Johannesburg), 24 April 2008.

⁶² International Crisis Group, "Negotiating Zimbabwe's Transition", *Africa Policy Briefing*, No. 51 21 May 2008.

⁶³ Interview with Riaan Wolmarans, "Zimbabwe election Crisis: Where to from here", *Mail & Guardian* (Johannesburg), 24 April 2008.

⁶⁴ "Zimbabwe's Makoni calls for unity", BBC News 29 May 2008; Makoni calls for halt on run-off", Sapa-Associated Press, 29 May 2008.



4. Regional Strategy: Intervention or Power-Sharing?

The response of the African region to the electoral crisis in Zimbabwe has come within the framework of the AU and its satellite regional economic communities, particularly the SADC. Since its inauguration in 2002, the AU has gradually embraced an agenda of democratic peace whose normative context is defined by its Constitutive Act (2001), the Protocol Establishing the African Union Peace and Security Council (2002) as well as the documents establishing the New Partnership for Africa's Development (NEPAD).⁶⁵

The implementation framework of Africa's democratic peace agenda has been described as Africa's emerging peace and security architecture, including a continental standby force and a Peace and Security Council, with a strong element of pro-democracy intervention that redefines the scope of national sovereignty.⁶⁶ Calls for tougher regional action in Zimbabwe, which derive from the norms underpinning the AU's emerging peace and security structure echo the UN document, Responsibility to Protect, which places important limitations on the sovereignty of a state that fails to protect the rights of its citizens. If a state fails to protect its citizens, the AU has the right to intervene for human protection purposes using multilateral military force if necessary. The Constitutive Act declares that the Union has 'the right to intervene in a member state pursuant to decision of Assembly in respect of grave circumstances: namely war crimes, genocide and crimes against humanity.'⁶⁷

While the Act extends the right to intervene to situations that pose 'a serious threat to legitimate order to restore peace and stability', including unlawful takeover of governments, the AU stresses that military intervention should be considered a last resort and suggests a range of non-military measures to respond to crises before calling for intervention.⁶⁸ Countries seen as regional powers like South Africa and Nigeria continue to play a pivotal role in spearheading Africa's democratic peace agenda.⁶⁹ While Africa's diplomacy towards Zimbabwe has been characterised as solidarity with ZANU-PF and Mugabe has been feted as a nationalist hero, the recent election crisis has seen a historic collapse of this consensus.

4.1. South Africa: mediation muddled

South Africa's handling of the election impasse in Zimbabwe has come under severe criticism, mirroring internal, regional and international disarray over the crisis. The object of this criticism is South Africa's official policy towards its northern neighbour in the period 2000-2008, which has been termed 'quiet diplomacy' – to set it apart from what has sometimes been called 'mega-diplomacy'.⁷⁰ The gist of the criticism, articulated by influential think-tanks and echoed and re-echoed by sections of the media and non-governmental organisations (NGOs), runs as follows: '[The] South African President has been reluctant to break with his "quiet diplomacy" policy. Pretoria has refused to publicly criticize Mugabe or condemn escalating violence [emphasis added].'⁷¹ Commentators often confuse 'quiet diplomacy' as South Africa's policy strategy with the task-specific imperatives of a 'mediator'. As an official policy, 'quiet diplomacy' is a purposeful choice by the ANC administration to conduct its African affairs as 'a gentle giant' rather than a 'big bully' – a lesson hard learnt from earlier unilateral slip-ups in Nigeria, Congo and Lesotho in the 1990s, and successes in Libya, Burundi, Congo and South Sudan after 1999.⁷² 'Quiet diplomacy' seems to be there to stay long after Mbeki and the Zimbabwe crisis, at least judging from ANC President, Jacob Zuma's, public comments.

As a mediator, Mbeki's task, style and, ultimately, achievement or failure must be gauged against the known attributes of a good mediator: wisdom, trustworthiness, honesty, ability to reason, encourage, listen and communicate well, creativity and, perhaps more importantly, the neutrality needed to help two

⁶⁵ See, African Union, *Constitutive Act of the African Union*, Addis Ababa, 11 July 2000; J. Akokpari, Angela Ndinga-Muvumba and T. Murithi (eds), *The African Union and its Institutions*, Cape Town: Centre for Conflict Resolution, 2008.

⁶⁶ See, Shannon Field (eds) *Peace in Africa: Towards a Collaborative Security Regime*, Johannesburg: Institute for Global Dialogue, 2004.

⁶⁷ African Union, *Constitutive Act of the African Union*, Addis Ababa, 11 July 2000, article 4 (h).

⁶⁸ Article 23 (2), the Constitutive Act of the African Union.

⁶⁹ Peter Kagwanja, "Power and Peace: South Africa and the Refurbishing of Africa's Multilateral Capacity for Peacemaking", *Journal of Contemporary African Studies*, 24, 2 (May 2006), pp.159-184; T. Tiekou, "Explaining the Clash of Interests on Major Actors in the Creation of the African Union", *African Affairs*, 103 (2004), 249-67.

⁷⁰ For a nuanced exposition of this policy, see Lloyd Sachikonye, "South Africa's Quiet Diplomacy: the Case of Zimbabwe",

⁷¹ International Crisis Group, *Negotiating Zimbabwe's Transition*, Africa briefing No. 51 21 May 2008, p.8.

⁷² See, M. van Aardt, "A Foreign Policy to Die for: South Africa's Response to the Nigerian Crisis," *Africa Insights*, 26, 2(1996), pp.114-115; Cedric de Coning, "Lesotho Intervention: Implications for SADC," unpublished paper University of Pretoria, *Africa Dialogue Series*, 10 November 1998; Peter Vale and Siphon Maseko, "South Africa and African Renaissance", *International Affairs*, 74 (1998), pp.271-287; and Peter Schraeder, "South Africa's Foreign Policy: From international pariah to leader of African renaissance", *The Round Table*, 359 (2001), pp. 229-43.



conflicting parties arrive at a *mutually agreeable solution*. Public criticism and condemnation are more likely to complicate than help the task of a mediator. Perhaps more pertinent is whether Mbeki has the requisite impartiality to even-handedly mediate one of Africa's most intricate crises as a leader of the ANC, which prioritizes party-to-party support among liberation parties like ZANU-PF,⁷³ and in the light of what his biographer, Mark Gevisser, has described as 'kith and kin' relations with President Mugabe and key allies.⁷⁴

The counting of the ballot at polling stations during the March elections has been hailed as a major improvement on past elections and largely accounts for the success of the opposition. This is a credit to the Mbeki-led SADC mediation, which got ZANU-PF to accept this measure. But the South African mediation failed to come firmly to grips with the post-election crisis, compelling other regional leaders to step in. Mbeki made a wise decision to pass through Zimbabwe and meet Mugabe on his way to the SADC crisis summit on 12 April, but his description of the electoral crisis as just 'a normal electoral process' amid prolonged delays in releasing results drew widespread condemnation and ridicule across the world, triggering calls for SADC to sack him as mediator.⁷⁵ Adding to these calls, on 17 April Tsvangirai demanded that Mbeki should be 'relieved of his duties' as a mediator, suggesting that Zambian President, Levy Mwanawasa 'lead a new initiative, an initiative that will expand beyond that of Mr. Mbeki'.⁷⁶

A collapsed state on South Africa's door step has been the worst nightmare for the ANC strategists who have supported President Mugabe since 2000 in a strategic trade-off between stability and democracy.⁷⁷ Pretoria's diplomats warned that the electoral crisis in Zimbabwe was fast getting out of hand. On 7 May, the head of South Africa's delegation to the SADC observer mission, Kingsley Mamabolo, said that the second round could not take place in the existing atmosphere of violence. To allay the fears of impending civil war, on 13 June Deputy Foreign Affairs Minister, Aziz Pahad, gave an assurance that his country would work to prevent a civil war from developing in Zimbabwe.⁷⁸

South Africa's transitional formula in Zimbabwe has been to induce a re-engineering and transformation of ZANU-PF to put it in the hands of a moderate and avoid the 'Chiluba factor' – the decimation of a liberation party by a trade union-based party like the MDC.⁷⁹ For instance, from December 2004 when rival ZANU-PF factions started jostling for power, South Africa intensified its espionage to keep abreast with internal developments, at one point resulting in the arrest and charging of one of its spies in Harare.⁸⁰ In the run-up to the March elections, Mbeki allies tacitly supported Simba Makoni as a moderate successor to Mugabe in a reformed ZANU-PF that also brought on board some opposition representatives, especially from the Mutambara faction.⁸¹ While they did not expect Makoni to win, the pundits around Mbeki believed that his victory would have been more palatable to the army generals than an MDC win, and therefore easier to manage. Pretoria's support for Makoni was based on more subtle strategic calculations, which are now dashed. While not writing off an outright win for Mugabe, the Mbeki team expected Makoni, backed by the Mutambara-led MDC, to come a comfortable second behind Mugabe, forcing a run-off and, eventually, a power-sharing arrangement with Makoni as Prime Minister. This would effectively lock out Tsvangirai, paving the way for Mugabe's comfortable exit.⁸² Not surprisingly, Pretoria was as taken aback by Makoni's dismal results as by the unexpected triumph of the Tsvangirai-led MDC, whose power bid they have covertly resisted.⁸³

Despite this, South Africa initially pushed for a government of national unity with Makoni as a central figure, a plan that widened the rift between Mbeki and Tsvangirai. However, following the backfiring of an attempt to push Makoni as a transitional leader during the SADC meeting on 12 April in Lusaka, South Africa turned to Tsvangirai.

⁷³ Instructively, in the final resolutions of its 52 National Conference held in Polokwane on 16-20 December 2007, the ANC resolved to revitalize party-to-party relations amongst former liberation movements like ZANU-PF, SWAPO, the MPLA, FRELIMO, the PAIGC, the CCM and the SPLM/A by prioritising 'structured support of the former liberation movements in the region[Southern Africa].' Document available at <http://www.anc.org.za/ancdocs/history/conf/conference52/index.html>.

⁷⁴ Mark Gevisser, *Thabo Mbeki: The Dream Deferred*, Johannesburg & Cape Town: Jonathan Ball Publishers (PTY) LTD, 2007, pp431-446.

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⁷⁶ "Move over, Mbeki", Sapa-AFP, 17 April 2008.

⁷⁷ Interview with a foreign affairs official, Pretoria, 7 June 2008.

⁷⁸ Chris Chinaka, "War vets are ready for battle, says Mugabe", Reuters, 13 June 2008.

⁷⁹ The defeat of Kenneth Kaunda's United National Independent Party by the Movement for Multiparty Democracy led by the trade unionist, Frederick Chiluba in 1991 made the ANC cadres who spent exile days in Lusaka deeply wary of the role of trade unions like COSATU in dislodging liberation parties.

⁸⁰ "Pahad sees no fallout over spy saga", *The Sunday Times*, 23 January 2005; *Africa Confidential*, 46, 4(February, 2005).

⁸¹ API interview, senior official, department of foreign Affairs, 23 March 2008; See also Peter Kagwanja, "Can Makoni succeed where Tsvangirai has failed", *The Monitor* (Kampala), 19 March 2008.

⁸² API interview, senior policy analyst, Policy Advisory Unit, Presidency, Pretoria, 22 June 2008.

⁸³ API interview, South African diplomat, Harare, 7 June 2008.



On 10 June, representatives of ZANU-PF and the MDC (Justice Minister, Patrick Chinamasa, and Social Welfare Minister, Nicholas Goche, for ZANU-PF and Biti and Elton Mangoma for the MDC) reportedly took part in a unity meeting in Pretoria chaired by the Minister for Provincial and Local Government, Sydney Mufamadi. While the meeting explored various options for resolving the Zimbabwe crisis, its main agenda was to start discussions on a national unity government in which Mugabe would remain president while Tsvangirai would take up a newly created post of prime minister, similar to the arrangement devised to resolve the Kenyan crisis in early 2008.⁸⁴ Speaking the same day in Johannesburg, Makoni announced that both Mugabe and Tsvangirai had agreed to a unity government, but there was no agreement on who would be the 'top person' under such an arrangement.⁸⁵ However, the MDC's chief spokesperson Nelson Chamisa denied that such a meeting took place.

As political violence escalated, Mbeki met with Mugabe in Bulawayo on 18 June, reportedly to discuss Biti's arrest, but more importantly to raise the possibility of Mugabe meeting Tsvangirai. Mbeki also met Tsvangirai the same day.⁸⁶ According to South African government sources, Mbeki sought the meeting to try and persuade Mugabe to cancel the second round election believing that it would not resolve the situation. However, this effort backfired.⁸⁷ Upon being declared the winner and sworn in as president following the controversial run-off, Mugabe praised Mbeki's role in the situation. After the run-off, Mbeki convened a meeting of Zimbabwe's party chiefs in Harare, including Mugabe, Mutambara and Tsvangirai, but the latter refused to attend.⁸⁸

The Zuma-Mbeki power rivalry within the ANC has also played into the Zimbabwe election crisis. Prior to his election as ANC president, Zuma appeared more sympathetic to Mugabe, arguing that 'many in Africa believe that there is a racist aspect to European and American criticism of Mugabe.'⁸⁹ ...The Europeans often ignore the fact that Mugabe is very popular among Africans,' he said, adding, 'In their eyes, he has given blacks their country back after centuries of colonialism.'⁹⁰ However, following his election as ANC party chief in December 2007, while he continued to endorse the South African government's policy of 'quiet diplomacy', his public criticism of Mugabe has signalled a shift in party style, if not policy.⁹¹ Despite the ANC's decision to foster part-to-party relations with liberation parties, he has indicated that ZANU-PF cannot count on uncritical ANC support and solidarity. Zuma's new stance mirrors the tough line of his main backers, including the ANC Youth League, the South African Communist Party, and the Congress of South African Trade Unions (COSATU), all fervent critics of Mugabe and of Mbeki's quiet diplomacy.

Reflecting this hardening ANC stance on Zimbabwe, on 12 April, Zuma publicly condemned the failure by the ZEC to release the results of the March elections, describing it as 'unprecedented'.⁹² Zuma has no difficulty sharing his position with Zimbabwe's arch-enemy, the UK. While in London on 24 April, Zuma and Gordon Brown issued a joint statement calling 'for an end to any violence and intimidation and stress[ing] the importance of respect for the sovereign people of Zimbabwe and the choice they have made at the ballot box.'⁹³

Zuma views the notion of a national unity government to break the stalemate in Zimbabwe as something worth considering.⁹⁴ He has, however, shared the scepticism on the Mbeki mediation and has called for its expansion. On 21 April, he called for African leaders to 'move in to unlock this logjam' by sending a mission to talk to the parties and the electoral commission. Zuma argued that while Mbeki was a mediator, 'the gravity of the situation' made it desirable to send other leaders to assist in resolving the situation.⁹⁵ However, the difference between the ANC and the government on Zimbabwe has not been at policy level. Even as the rhetoric gets tougher there is no sign that Pretoria will impose economic sanctions on the Mugabe government. Until elections are held in April 2009, Mbeki will continue to determine policy on Zimbabwe. But the ANC support for Tsvangirai has strained relations with Mbeki.

The revelation that a Chinese ship, the *An Yue Jiang*, loaded with arms destined for troubled Zimbabwe was headed for Durban generated controversy in South Africa as fear mounted that the arms would be

⁸⁴ "Mfamadi Chairs ZANU-PF and MDC meeting", *Business Day* (Johannesburg), 10 June 2008.

⁸⁵ "Zim run-off is no solution-Makoni", Sapa-Associated Press, 10 June 2008.

⁸⁶ Hans Pienaar and Xolani Mbanjwa, "Mbeki in Bulawayo amid election fears", *The Star*, 19 June 2008; "Zim Criticism grows", *cape Times*, 19 June 2008.

⁸⁷ API interview, Senior South African official, Pretoria, 21 June 2008; "Mbeki's bid to broker a Kenya-style deal in Zim", *Cape Argus*, 19 June 2008.

⁸⁸ SAFM, "Tsvangirai snubs Mbeki's Mediation", 18.00 News, 5 July 2008.

⁸⁹ "Spiegel Interview with ANC Vice President Jacob Zuma", *Spiegel online international*, 20 December 2007.

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⁹¹ "Zuma makes U-turn on Zimbabwe policy", *ZimbabweMetro.com*, 20 December 2007.

⁹² "SADC calls Zim crisis meeting", Reuters, 9 April 2008; "What Zim Crisis", AFL, 12 April 2008.

⁹³ "Brown, Zuma disagree on arms embargo", *Cape Times*, 24 April 2008.

⁹⁴ "Zuma says SA rejected military action on Zimbabwe", *NewZimbabwe.com*, 23 April 2008.

⁹⁵ Kerstin Gehmlich and Kathrine Schich, "Zuma calls for more pressure on Zim", *Cape Times*, 23 April 2008.



used by the government against the opposition. COSATU and other civil society groups launched a vigorous campaign to block the transport of the arms to Harare, arguing that the South African government would have acted irresponsibly by letting the shipment through. COSATU called on all its affiliates and southern African trade union partners 'to identify and refuse to handle any goods destined for Zimbabwe which could be used to assist the illegal government or be used to oppress the people.' On 17 April, a COSATU affiliate, the South African Transport and Allied Workers Union (SATAWU) announced that its members would not unload the ship or handle its cargo.⁹⁶ Further, on 18 April, the Durban High Court issued an order effectively barring the shipment. A second order sealed the *An Yue Jiang's* fate, allowing a German development bank to seize the cargo in compensation for an unpaid debt owed by the Zimbabwe government.⁹⁷

However, the South African government took no steps to implement the orders and was accused of inaction. Defending itself, it pointed out that there is no international or regional arms embargo against Zimbabwe. However, many would have expected Mbeki to invoke international humanitarian law to which South Africa is a signatory. This provides for the cancellation, amendment or suspension of a conveyance permit in the interest of maintaining and promoting international peace and avoiding repression. The *Mail and Guardian* reported that senior ministers and officials had come up with a plan to allow the ship to dock and unload in Durban, then hold up the cargo indefinitely using customs and revenue technicalities, but there is no evidence that the plan took off. Eventually, the ship reportedly offloaded its cargo at Pointe-Noire in the Republic of Congo from where it was flown to Zimbabwe.⁹⁸ However, the Chinese Foreign Ministry denied the report saying that the ship had returned to China with the arms still on board.

Voices calling for military intervention grew audaciously louder within South Africa. Some expected South Africa to send an army across the border to flush Mugabe out of power as the Tanzanian president had done to the Ugandan dictator, Idi Amin, in 1979 or to play a role similar to that of the US in its 'pro-democracy invasions' in Latin America (Panama and Haiti) and, more recently, in the Middle East (Iraq and Afghanistan). On 26 June, former Archbishop, Desmond Tutu, said that there was 'a every good argument' for sending 'an international force to restore peace' to Zimbabwe.⁹⁹ However, as South Africa's invasion of Lesotho in 1998 showed, this would have been diplomatic suicide.

On 23 April, Zuma revealed that some countries were pressurizing South Africa to use force in Zimbabwe, but pointed out that South Africa believed in resolving the situation through 'quiet diplomacy' and negotiations.¹⁰⁰ While speaking in London, Zuma also disagreed with Brown's call, together with Amnesty International, for the imposition of an arms embargo on Zimbabwe, saying that he did not think that this was necessary.¹⁰¹ The ANC has also rejected the idea of foreign intervention in Zimbabwean affairs, especially by the former colonial powers.¹⁰² South Africa is likely to receive more pressure to embark on a 'pro-democracy' intervention in Zimbabwe, but at present such a move has no traction in the region.

4.2. SADC: collapsed consensus?

The near unanimous rejection of Zimbabwe's presidential run-off by African actors, for the first time since the controversial 2000 election, signalled the complete failure of SADC's strategy of brokering a free and fair election to end Zimbabwe's eight year political paralysis and pave the way for economic recovery. It also threw into disarray SADC's Zimbabwe roadmap adopted in March 2007 at an extraordinary summit in Dar es Salaam to stem the escalating crisis following a bloody clash between security forces and opposition demonstrators.¹⁰³ Besides endorsing the Mbeki-led mediation 'to continue to facilitate dialogue between the opposition and the government', the meeting appealed for 'enhanced diplomatic contacts' at all levels and mandated the SADC executive secretary to 'propose measures on how SADC can assist' in Zimbabwe's economic recovery.¹⁰⁴ But its appeal to 'Britain to honour its compensation obligation with regard to land reform made at the [1979] Lancaster House' and for the lifting of 'all forms of sanctions against Zimbabwe' was dismissed, especially by western powers as a partisan stance in defence of president Mugabe's government.¹⁰⁵ With six months to go to the elections SADC seemed to be on course

⁹⁶ Kamini Padayachee, "Sending arms to Zim 'a recipe for conflict'", *The Mercury*, 18 April 2008.

⁹⁷ Louise Flanagan, "'US asks China to call ship back'", *The Star*, 23 April 2008.

⁹⁸ "Chinese arms arrive in Zim: Report", Sapa, 17 May 2008.

⁹⁹ "AU to debate Zimbabwe vote", Al Jazeera 30 June 2008.

¹⁰⁰ "Zuma says SA rejected military action on Zimbabwe", *NewZimbabwe.com*, 23 April 2008.

¹⁰¹ "Brown, Zuma disagree on arms embargo", *Cape Times*, 24 April 2008.

¹⁰² "UN Blocks British, US attempts to halt run-off", *The Herald* (Harare), 25 June 2008.

¹⁰³ SADC, "Communique, 2007 Extra-Ordinary SADC Summit of Heads of State and Government, 28-29 March 2007", Dar-es-Salaam, 28-29 March 2007.

¹⁰⁴ SADC, "Communique, 2007 Extra-Ordinary SADC Summit of Heads of State and Government, 28-29 March 2007", Dar-es-Salaam, 28-29 March 2007.

¹⁰⁵ SADC, "Communique, 2007 Extra-Ordinary SADC Summit of Heads of State and Government, 28-29 March 2007", Dar-es-Salaam, 28-29 March 2007.



with its preparations. Its heads of state summit on 16-17 August 2007 in Zambia commended president Mbeki's mediation, and 'encouraged parties to expedite the process of negotiations and conclude work as soon as possible so that the next elections are held in an atmosphere of peace allowing the people of Zimbabwe to elect the leaders of their choice in an atmosphere of peace and tranquillity.'¹⁰⁶

While the March 2008 election marked a triumph for the SADC mediation, vocal critics like the American Ambassador to South Africa, Eric Bost, pointed to the body's 'often...technical agreements on legislative changes, which while small steps in the right direction, are piecemeal and have not yielded tangible results.'¹⁰⁷ The failure of the run-off to resolve Zimbabwe's crisis raises questions about elections as a tool for 'conflict resolution' and about democracy as an instrument for peace.¹⁰⁸

The post-election crisis has created sharp divisions within the fourteen-member economic bloc.¹⁰⁹ On the one hand are 'liberation governments' like Angola, Mozambique and Namibia, which openly back Mugabe, and on the other those like Botswana, Zambia and Tanzania, which have been openly critical. South Africa and Mozambique have been privately critical, but have been ambivalent in their response and reluctant to openly criticise Mugabe.¹¹⁰

For the first time the region recognizes that there is a crisis in Zimbabwe. The decision by Zambian President, Levy Mwanawasa, the Chairman of SADC, to call an emergency meeting of SADC leaders on 12 April revealed seismic shifts in regional relations. The communiqué from the Lusaka summit was blistering, calling for the results of the election to be released 'expeditiously' and the government to ensure that the run-off was held in a 'secure environment'. The summit was significant in that Mwanawasa managed to convene the meeting, to put Zimbabwe on the regional agenda and to invite Tsvangirai.¹¹¹ Mugabe snubbed the meeting, sending Mnangagwa to represent him, thus avoiding direct censure by a meeting that saw Angola's dos Santos and Mbeki oppose a tougher stance by Mwanawasa, the President of the United Republic of Tanzania, Jakaya Kikwete, and the President of Botswana, Ian Khama. During the summit, Botswana's Minister of Foreign Affairs, Phandu Skelemani, stated: 'Everyone agreed that things are not normal, except Mbeki. Maybe Mbeki is so deeply involved that he firmly believes things are going right. But he now understands that the rest of SADC feels this is a matter of urgency and we are risking lives and limbs being lost.'¹¹²

But even Zimbabwe's allies within SADC took no chances in ensuring that the run-off was credible and acceptable to regional and international players. This became clear from a meeting of SADC's Political, Defence and Security Committee held in Angola which called on the Zimbabwean government to ensure security in the run-off election.¹¹³ Angolan Foreign Minister, Joao Bernardo de Miranda, said on the same day that SADC would increase the number of observers it was sending for the second round so as 'to assure greater transparency and trust in the process'.¹¹⁴ In similar vein, on 14 May SADC Executive Secretary Tomaz Salomáo announced that SADC was sending 200, later increased to 300-400, observers to Zimbabwe for the second round. But SADC ruled out the call for a peacekeeping force, urging the parties to behave responsibly.¹¹⁵

Regional consensus on Zimbabwe broke down following the arrival on the scene of the Chinese ship, the *An Yue Jiang*, loaded with weapons and ammunition ordered before the elections. On 21 April, Mwanawasa called on all member states to refuse to unload the arms bound for Mugabe's government,

¹⁰⁶ SADC, 'Communique from the SADC Heads of State Summit', Lusaka, Zambia, 17 August 2008.

¹⁰⁷ 'Here's Hope for a free and Fair poll', *Pretoria News* 28 March 2008.

¹⁰⁸ Patrick Rankhumise, 'Reflections on the 2008 Zimbabwe Elections', *Policy Briefing* No. 2 June 2008, p3

¹⁰⁹ SADC member states include: Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

¹¹⁰ Angola is Zimbabwe's 'comrade in arms' with the military muscle, resources and war experience to counter South Africa, although it reportedly heeded regional call not to unload the Chinese arms shipment bound for Harare. Malawi's Bingu wa Mutharika is "fiercely loyal" to Mugabe, but his line owes more to a quest for street support than known ideological conviction. In Mozambique, 'ambivalent' and often shadowing South Africa's line, the current president, Armando Guebuza, has not publicly criticized Mugabe although he is concerned about the impact of Zimbabwe's economic crisis on the region. Both Botswana and Zambia have been openly critical of Mugabe, calling for his exit and publicly backing the MDC.

¹¹¹ 'SADC calls Zim crisis meeting', *Reuters* 9 April 2008.

¹¹² Cited in "Zimbabwe: By Hook or By Crook", Special Report, *Africa Today*, 14, 5/6(May/June 2008), p.10.

¹¹³ "Zimbabwe's opposition leader won't say if he'll take part in the runoff until elections date set," *International Herald Tribune*, 5 May 2008.

¹¹⁴ "Africa bloc to ensure fair Zim run-off", Sapa-AFP 27 May 2008.

¹¹⁵ "Nelson Banya, "Zim not ready for run-off", *International Herald Tribune*, 13 May 2008.



arguing that they would increase tensions in Zimbabwe. Although the arms finally reached Zimbabwe, it is still unclear which country aided the process.¹¹⁶

Differences intensified ahead of the run-off. Angola declined to host a SADC Troika requested by Kikwete to discuss the deepening crisis situations in Zimbabwe and Malawi. However, ahead of the troika meeting, President dos Santos, sent a verbal message to Mugabe in Bulawayo asking him to proceed with the run-off but to observe the spirit of tolerance and respect for the democratic rules so that there could be trust, transparency and fairness throughout the process.¹¹⁷ Of the 400 SADC observers, 25 were from Angola.

Although King Mswati finally opened the Lozita Palace for the troika, only Kikwete, Mswati and Salomá, attended the meeting on 25 June. The communiqué issued after the meeting expressed concern and disappointment that the opposition leader, Tsvangirai, had formally withdrawn from the presidential run-off. It further observed that 'in the light of the violence and the charged political atmosphere, the political security situation in Zimbabwe appears not to be permissive for holding the run-off election in a manner that would be deemed free and fair.'¹¹⁸ The communiqué concluded that 'holding the elections under the current circumstances may undermine the credibility and legitimacy of its outcomes', and appealed to 'the responsible authority in Zimbabwe to consider postponing the election to a later date.'¹¹⁹ This sounded the death knell for SADC backing for ZANU-PF in going ahead with the election. While the troika asked the 400 SADC election observers to stay the course, it failed to identify any concrete action that should be taken to ensure that Zimbabwe did not disintegrate into anarchy following a power vacuum resulting from the failure to hold the mandatory run-off. The unstated purpose of the meeting was to give Kikwete the necessary justification to raise the issue of Zimbabwe as an item during the African Union Heads of State Summit in Sharm el Sheikh, Egypt on 29 June.¹²⁰

Even as the troika was convening, state media in SADC countries began to up the ante calling for Mugabe's exit, calling on Zimbabweans to 'vote him out' and accusing assumed Mugabe backers, particularly Mbeki, of 'clandestine motives' for denying that there is a crisis in Zimbabwe.¹²¹ While the run-off went on as scheduled, its outcome brought divisions within SADC to a dangerous level. The rejection of the election results by all African observer missions, for the first time since 2000, came as a shock to Zimbabwe. The leader of the PAP observer mission, Marwick Khumalo, issued an interim statement declaring that the elections were not free and fair, citing 'state-sponsored violence' and urging Southern African leaders to encourage talks between the MDC and ZANU-PF.¹²² The SADC observer mission observed that 'the prevailing environment [of violence] impinged on the credibility of the election process', concluding that 'the elections did not represent the will of the people of Zimbabwe'.¹²³

Zimbabwe can no longer count on a united SADC block to shield it from international censure as before. But divisions in the regional block on Zimbabwe's elections have hampered effective action. Tanzania has reportedly said it does not recognize the Mugabe presidency because of what Foreign Minister, Bernard Membe, described as 'a highly flawed election'.¹²⁴ Even more brazen has been the response by neighbouring Botswana, which earlier imposed 'limited sanctions' on Zimbabwe by placing a ban on the sale of fuel to Zimbabwe,¹²⁵ and now called on SADC not to recognize the re-election of Mugabe. 'As a country that practises democracy and the rule of law,' said Foreign Minister Skelemani, 'Botswana does not recognize the outcomes of the presidential run-off election and expects other SADC member states to do the same.'¹²⁶ Botswana deployed an army brigade with artillery to patrol its borders with Zimbabwe, describing the troop movements as 'a precaution' against trouble spilling over into its territory.¹²⁷

¹¹⁶ One report said that the Angolan government authorized the Chinese ship to moor at Luanda's Port "only to off-load goods designed for the country", but explained that the warlike materials in the ship bound for Zimbabwe, was not authorized to be unloaded in the national territory". "Government Authorises Unloading of Chinese Ship with cargo for Country" *Angola Press Agency*, 25 April 2008.

¹¹⁷ The message was sent through the head of the SADC Observation Mission to the elections in Zimbabwe, Jose Marcos Barrica. "Robert Mugabe Gets Message from Angolan President", *Angola Press Agency*, 21 June 2008.

¹¹⁸ SADC, The SADC Organ Troika of Heads of State and Government 25 June 2008, Lozitha Palace, Kingdom of Swaziland.

¹¹⁹ SADC, The SADC Organ Troika of Heads of State and Government 25 June 2008, Lozita Palace, Kingdom of Swaziland.

¹²⁰ API interview, AU official, Sharm el Sheikh, 30 June 2008. Procedure in the AU system demands that before an issue is raised at the AU summit, it must have been discussed at regional level.

¹²¹ See "Zimbabweans Must vote out Mugabe", Editorial, *Mengi/The Reporter* (Gaborone), 23 June 2008.

¹²² Pan-African Parliament, *The Pan-African Parliament Election Observer Mission to the Presidential Run-off and Parliamentary By-elections in Zimbabwe-Interim Statement*, Harare, 29 June 2008.

¹²³ SADC Election Observation Mission (SEOM), *Preliminary Statement Presented by the Hon Jose Marcos Barrica, Minister of Youth and Sports of the Republic of Angola and Head of the SEOM on the Zimbabwe Presidential Runoff and House of National Assembly By-elections held on 27 June 2008*, Harare, 29 June 2008.

¹²⁴ Consesa John, "Dar Says it doesn't recognize Mugabe presidency", 04 July 2008.

¹²⁵ "Botswana bans sale of bulk fuel to Zimbabwe", *SW Radio* (London) 8 May 2008.

¹²⁶ "Botswana calls on SADC not to recognize Mugabe", *Reuters*, 4 July 2008.

¹²⁷



Zimbabwe has threatened war, with Mugabe warning neighbouring countries to 'think twice' before launching an attack against his government, a veiled warning to Botswana. While Botswana, Zambia and Tanzania would perhaps prefer intervention in the form of a peacekeeping force or even 'pro-democracy intervention' to restore democracy a la Iraq, key players in the region including Angola, South Africa, Namibia, Mozambique and the DRC have remained steadfast behind the SADC mediation, this time leading to a power-sharing arrangement between the opposition and the government.

4.3. African Union: responsibility to protect?

Few expected Mugabe to attend the African Union Heads of State Summit in Egypt after the election. As one AU official noted, Mugabe's arrival at the summit and his status as an elder statesman dramatically altered the trend of affairs in a way that favoured his government.¹²⁸

Like SADC, the AU and its cluster of organizations were concerned with the effects of escalating violence and whether electoral institutions had the integrity to administer a free and fair run-off. The PAP observer mission noted on 7 May that the ZEC had lost control of the situation and was calling for 'timeous intervention' by the AU and SADC before the situation got 'out of control'.¹²⁹ This compelled the AU to issue a statement calling on 'all the Zimbabwe political actors to conduct their activities in a free, transparent, tolerant and non-violent manner', and further urging 'Zimbabwe to implement the conditions set out in the Declaration on the Principles Governing Democratic Elections in Africa'.¹³⁰

This is the first time a clear movement on the African front has become evident. However, African opinion on how to resolve the Zimbabwe crisis is split between those favouring one or other version of power-sharing and those advocating radical measures including military 'intervention'. The new stirring in Africa was highlighted by an open letter on 13 June that 39 prominent figures in Africa, including Kofi Annan, former heads of state and civic leaders signed calling for free and fair elections and stressing that this was crucial for the interests of both Zimbabwe and Africa.¹³¹ By the same token, the newly elected chairman of the AU Commission, Jean Ping, decried the events as 'a matter of grave concern'.¹³²

Despite the new challenge, Mugabe still retains some influence on the continent. He has always been feted as a hero, a nationalist and a brave champion of African interests.¹³³ As usual, he received a hero's reception from fellow heads of state when he attended the AU summit at the Egyptian resort of Sharm el Sheikh, dashing hopes in the West that he would be disowned by his peers in the African Union. Although AU Chairman and Tanzania President, Jakaya Kikwete, had earlier led a SADC call for postponement of the run-off, he gave Mugabe a laudatory welcome: 'I would like to take this opportunity to congratulate the people of Zimbabwe for success achieved. I send them my consolation for the problems encountered'.¹³⁴

Similarly, the President of Gabon, Omar Bongo, who has been in power since 1967, declared that: 'He was elected, he took an oath, and he is here with us, so he is president and we cannot ask him more. He conducted elections and I think he won.' Bongo captured a unique dilemma of African heads of state: that few of them can pass the democratic test. Indeed, Africa has seen more bare-knuckled dictators than Mugabe. As Kayode Soyinka, the editor of *Africa Today* magazine rightly noted: 'There have been tyrants in Africa who would not call elections at all; or, who when they called one, you might as well go to bed knowing the outcome of such a charade of an election was a foregone conclusion'.¹³⁵

Contrary to popular expectation, Mugabe was not condemned in the summit's final resolution. So low was Zimbabwe on the AU agenda that, despite the international prominence of the electoral crisis and concern from the West, the country was never mentioned in the summit's opening speeches.¹³⁶

The AU summit failed to pronounce itself on the June run-off, but passed a resolution on 1 July, calling for a 'government of national unity' in Zimbabwe.¹³⁷ The debate over the resolution saw the Vice

¹²⁸ API interview, AU official in the Peace and Security Commission, Sharm el Sheikh, Egypt 30 July 2008.

¹²⁹ AU demands free, transparent Zim run-off", AFP, 7 May 2008.

¹³⁰ *ibid.*

¹³¹ "Africa Pressure Grows on Mugabe", *BBC News*, 13 June 2008.

¹³² African Union, Press Statement on the Situation in Zimbabwe", Addis Ababa, Ethiopia, 23 June 2008; Celia W. Dugger and Barry Bearak, "Leader of Zimbabwe opposition seeks refuge," *The New York Times*, June 24, 2008.

¹³³ Robert Mugabe hailed a hero at African Union summit, *Timesonline*, June 30, 2008, available at <http://www.timesonline.co.uk>, accessed 30 June 2008.

¹³⁴ Africa Policy Institute translation from Kiswahili, 1 July 2008

¹³⁵ Kayode Soyinka, 'Mugabe Must Go', editorial Opinion, *Africa Today*, 14, 5/6 (May/June, 2008), p.5.

¹³⁶ API telephone interview, political analyst, Sharm el Sheikh, 30 June 2008.

¹³⁷ "Africa call for Zimbabwe unity," *BBC News*, 1 July 2008.



President of Botswana, Mompoti Merafhe, criticizing Mugabe and the 'flawed election',¹³⁸ saying that Zimbabwe should be suspended from AU and SADC meetings. Desmond Tutu said on 29 June that there was 'a very good argument' for sending 'an international force to restore peace' to Zimbabwe.¹³⁹ The Prime Minister of Kenya, Raila Odinga, described the detention of Tsvangirai as 'detestable', arguing that the situation could only be solved if South Africa took 'a firm stand on the issue', echoing the popular line that Pretoria should take an interventionist approach.¹⁴⁰ On 30 June, Odinga called for the suspension of Zimbabwe from the Africa Union until it holds free and fair elections; he also called for a new election in the presence of peacekeepers.¹⁴¹

Zimbabwe also draws the attention of the African Union to the need to factor post-election violence into its thinking on continental security and architecture. This should weigh heavily in the post-election situation in Zimbabwe, and should include help in forging a post-election arrangement to end the crisis. This was the view expressed by some 105 representatives of regional civil society organisations from 21 African countries meeting in Dar es Salaam, Tanzania on 21 April. The communiqué they issued invoked Article 4 of the African Union Constitutive Act, which provides for the 'right of the Union to intervene in a Member State pursuant to the decision of the Assembly in the respect of grave circumstances, that is war crimes, genocide and crimes against humanity.' The group called on the African Union to 'protect the Zimbabwean population against military and paramilitary retribution that communities are currently being subjected to, for voting Mr. Mugabe out of office.'¹⁴²

Mugabe has agreed to dialogue between ZANU-PF and the MDC because now he is in a position to negotiate on his own terms. Mbeki has also said that Mugabe was agreeable to this and has expressed his commitment to dialogue. However, Tsvangirai's rejection of dialogue on the ground that violence and 'persecution' have to stop first has paralyzed the process. Biti has also rejected the possibility of power-sharing, saying that by holding the election ZANU-PF had totally and completely exterminated any prospect of a negotiated settlement. 'The 27 June has blocked the arteries of dialogue,' he said in an interview on SAFM radio.¹⁴³ The government dismissed the possibility of power-sharing on the same day, saying that Zimbabwe could solve its political issues in its own way, without copying the Kenyan power-sharing model.¹⁴⁴

Power rivalry among African leaders has also hampered the mediation process. The President of Senegal, Abdoulaye Wade, has said that he is willing to mediate in the crisis. Biti argued that Wade should play a role because he is a senior statesman, adding that the AU should 'not privatize the Zimbabwe issue by limiting it to one person. If Wade decides to come in, let's welcome him.'¹⁴⁵ The MDC is resisting the idea of a government of national unity (GNU) in Zimbabwe fearing that it would be co-opted by ZANU-PF. However, it is not clear for how long they can remain out of power. One political analyst rightly observed that the MDC needs to gain power by taking the position of executive prime minister.¹⁴⁶

¹³⁸ "Botswana denounces Mugabe victory," BBC, 1 July 2008.

¹³⁹ "AU to debate Zimbabwe vote," Al Jazeera, June 30, 2008.

¹⁴⁰ Peter Fabricius "Zim rivals prepared for unity government", *The Star*, 6 June 2008.

¹⁴¹ "Kenya urges AU to suspend Mugabe," BBC, 30, June 2008; "Mugabe avoids criticism at AU talks," Al Jazeera, 30 June 2008.

¹⁴² Communiqué of the African Emergency Summit on Zimbabwe, Dar-es-Salaam, 21 April 2008, available at <http://osisa.org/node/11097>, accessed on 28 June 2008.

¹⁴³ Interview, Tendai Biti with SAFM, Pretoria, Morning life, 3 July 2008.

¹⁴⁴ "Zimbabwe rivals reject unity talks", Al Jazeera, 1 July 2008.

¹⁴⁵ Interview, with Tendai Biti, SAFM, Pretoria, Morning life, 3 July 2008.

¹⁴⁶ Steve Friedman, interview with SAFM, Morning Life, 3 July 2008.



5. International Response: Only Hawks, No Doves

5.1. Western pressure

Western powers, especially the US, UK and other EU member states saw free and fair elections as a solution to the Zimbabwean crisis, especially the removal of Mugabe by a victorious opposition. Thus, ahead of the 29 March elections, their focus was on securing a level playing field. After the election, the spotlight turned to getting the government to release the results. With the results announced, it became clear that ending the violence was necessary to create suitable conditions for a free and fair run-off election.

While still pursuing a strategy of getting Africans to deal with the Zimbabwe crisis, the new British Prime Minister, Gordon Brown, had embarked on a fierce public campaign against the Mugabe government. This approach is hardening the resolve of the ZANU-PF elite, while Mbeki complained on 2 May that the US and the UK were subverting his mediation attempts in Harare, despite expressions of support by the embassies of the two powers in South Africa.¹⁴⁷ Brown's idea of getting the United Nations to send an envoy to Zimbabwe to discuss a power-sharing government has been seen in parts of Africa, especially in South Africa, as an attempt to sidestep the decision of the AU. His outspokenness on the matter, calling the run-off illegitimate and 'a travesty at the hands of a bloodstained regime' has merely added weight to ZANU-PF's claims that the real conflict is not with the MDC, but with the UK.¹⁴⁸ Speaking to Zimbabwean victims of the recent wave of xenophobia in Johannesburg, British Foreign Secretary, David Miliband, urged South Africa and the rest of the international community to 'unite behind a tough, strong, clear [UN] Security Council resolution' calling for international sanctions against Mugabe.¹⁴⁹

The US-drafted resolution backed by Britain and calling on nations to freeze the financial assets of Mugabe and 11 of his officials and to restrict them to travel within Zimbabwe is rekindling old 'civilizational' differences between the West and Africa on how best to deal with the Zimbabwe question. 'The call for sanctions is coming a little too early when the AU has just ruled that parties to the Zimbabwe conflict sit down and talk on how to form a unity government', said a political analyst with the Africa Institute in South Africa. 'The sanctions are likely to become a stumbling block to the implementation of the AU sanctioned SADC peace dialogue', she adds.¹⁵⁰ Far from yielding the results that Miliband expects – that those closest to Mugabe pressure him to yield at the negotiating table – a British-led sanctions campaign is likely to force the hardliners around Mugabe to dig in, leading to the failure of the talks. While a 'mix of diplomacy and sanctions' may be necessary, sanctions should target all parties in the Zimbabwean conflict that are dragging their feet in complying with the African Union resolution.

Tension between Harare and Washington spiked after US and UK embassy staff were detained for 45 minutes at a police checkpoint at Bindura, some 50 miles from Harare, by police and military forces. While the staff suffered no harm, the US and UK condemned the action and the UK government summoned the Zimbabwean ambassador to give an explanation of the incident. On its part, Harare accused the diplomats of engaging in a 'spirited campaign to demonize the government ahead of the presidential election run-off.'¹⁵¹ While the US was not initially opposed to the run-off, its growing concern with deteriorating security led State Department spokesperson, Sean McCormack, to announce that the US was working with the regional players 'to help ensure there are proper conditions for a free and fair run-off election.'¹⁵² The US embassy in Harare was, however, concerned about the prolonged absence of the opposition leader, Tsvangirai, which led its Ambassador, James McGee, to quip that 'as a strong leader, he should be back showing his people that he cares every bit as much for them as they do for him.'¹⁵³ The US was also concerned by the order by Minister of Social Welfare, Nicholas Goche, to suspend the activities of CARE International, a US charity, on 3 June alleging that its members supported Tsvangirai, were distributing literature supporting him and were threatening to deny food to ZANU-PF supporters. CARE denied this, insisting that it adhered to 'a very strict policy against political activity'. President Mugabe's claim during the UN Food Summit in Rome on 3 June that non-governmental organizations funded by the West 'use food as a political weapon'¹⁵⁴ was followed by the partial suspension of the activities of western NGOs, Save the Children and ASAP-Africa.

¹⁴⁷ Xolani Mbanjwa, "We back Mbeki: UK, US", *Daily News* 5 May 2008.

¹⁴⁸ "UK's Brown: United Nations must send envoy to Zimbabwe to discuss power sharing deal," *The Associated Press*, 2 July 2008.

¹⁴⁹ Donna Bryson, "Uk Calls For Zimbabwe Sanctions", *Associated Press*, 6 June 2008.

¹⁵⁰ API Interview, South African political analyst, Pretoria 6 June 2008.

¹⁵¹ Nelson Banya, "Zim not ready for a run-off", *Reuters*, 14 May 2008.

¹⁵² "Assassination claims stupid, says ZANU-PF", *Sapa-Associated Press*, 20 May 2008.

¹⁵³ Donna Bryson, "US urges Tsvangirai to return", *Sapa-Associated Press*, 20 May 2008.

¹⁵⁴ "Zim: aid group ordered to suspend operations", *Sapa-Associated Press*, 4 June 2008.



Ideological difference between African players and their western partners on how best to resolve historical unfairness and injustices relating to the control, ownership and use of land in former white settler enclaves like Zimbabwe has undermined concerted global efforts to resolve the crisis. Africa must craft a mechanism to effectively address historical land-related conflicts.

Despite these differences, the idea of a power-sharing arrangement seems to be gaining acceptance among western powers, the only sticking issue being who will lead such an arrangement. The statement by the Foreign Minister of France, Bernard Kouchner, on 1 July that the European Union would 'accept no government other than a government led by Mr Tsvangirai', was quickly condemned for dictating the outcomes of the negotiation process. At the same time unhappiness with the AU failure to condemn Harare is leading to drastic measures by western governments. The decision by Italy to recall its ambassador to Zimbabwe provoked a bitter response from Harare.¹⁵⁵

5.2. *China: the An Yue Jiang arms saga*

The controversy over the China Ocean Shipping Company's cargo boat, the *An Yue Jiang*, carrying a large shipment of arms destined for Zimbabwe threw the role of China in the Zimbabwe electoral crisis into sharp focus. Arriving during the post 29 March electoral impasse, it was feared that the ship's cargo – one million rounds of 7.62×54mm ammunition used in machine guns and two million rounds of 7.62×39mm ammunition, used in AK-47s, along with 1,500 RPG7 rockets, 3,224 mortar bombs and 31 mortar tubes – would increase tension in Zimbabwe, with the MDC claiming that the arms were 'clearly meant to butcher innocent civilians whose only crime is rejecting dictatorship and voting change.'¹⁵⁶

Both Harare and Beijing downplayed the significance of this shipment with Justice Minister Chinamasa dismissing the controversy as a 'hullabaloo about a lone ship' and invoking Zimbabwe's sovereign right to legitimately purchase arms to defend itself.¹⁵⁷ On April 22 a spokesperson for the Chinese Foreign Ministry, Jiang Yu, insisted that the cargo was a 'perfectly normal trade in military goods between China and Zimbabwe', with no connection to the events surrounding the election, and that the contract for it had been signed in 2007. Yu also hinted that the ship might be forced to turn back due to its failure to find a place to unload the cargo. While requesting countries in the region not to accept the ship, the United States asked China 'to refrain from making additional shipments and, if possible, to bring this one back.' Despite reports that the China Ocean Shipping Company finally decided to recall the ship, the cargo was reportedly offloaded and flown to Zimbabwe on 17 May.¹⁵⁸ The Chinese Foreign Ministry dismissed the reports as 'baseless and purely fictitious', adding that the *An Yue Jiang* was returning to China with the arms still on board.¹⁵⁹

China feels it has a special responsibility to back ZANU-PF, its ally from the days of the liberation war. Despite this, Beijing voted with South Africa in favour of the first unanimous statement by the UN Security Council condemning the conduct of the run-off, particularly censuring the government for denying 'its political opponents the right to campaign freely' and urging it 'to stop the violence, to cease political intimidation, to end the restrictions on the right of assembly and to release the political leaders who have been detained.'¹⁶⁰ However, China has resisted western pressure after the elections to get the UN Security Council to adopt sanctions against Zimbabwe. In early July, its special representative for Africa, Liu Guijin, insisted that the political crisis in Zimbabwe is one that Africa should be managing, not the UN Security Council. 'It [Zimbabwe] is an African problem,' he said.¹⁶¹ China together with Russia and South Africa opposed the US draft text calling for sanctions on Zimbabwe's leadership.

5.3. *The UN Security Council*

The ongoing electoral crisis has created space for the UN Security Council to step up its role in Zimbabwe. In the past the UN Security Council has not been able to get a good handle on the Zimbabwean situation. Its feeble response is because situations such as the one obtaining in Zimbabwe do not fit into any of the UN's three definitions of humanitarian crises, namely genocide, war crimes (ethnic cleansing), and crimes against humanity. The situation is tricky in that, since Zimbabwe is not at war, intervening may set a legal precedent for the UN or SADC to use criteria outside of these three to

¹⁵⁵ At one point, Zimbabwean government spokesman, George Charamba, reacted fiercely to Western condemnation, saying that Western critics could "go hang a thousand times".

¹⁵⁶ "Weapons not meant for mosquitoes-MDC", *Sapa* 22 April 2008.

¹⁵⁷ "Chinese ship must go-Zambia", *Reuters*, 22 April 2008.

¹⁵⁸ "Zimbabwe weapons ship head for Angola", *CNN International Edition* 19 April 2008; "Chinese arms arrive in Zim: report", *Sapa* 17 May 2008.

¹⁵⁹ "Ship of Shame: Reports are baseless", *Reuters* 21 May 2008.

¹⁶⁰ "Zimbabwe: UN Security Council Condemns Govt Violence", *Allafrica.com*, 24 June 2008.

¹⁶¹ "Africa, not UN council, key for Zimbabwe - China," *Reuters*, 1 Jul 2008



pursue more aggressive solutions. Zimbabwean political analysts invoke the concept of a 'responsibility to protect', which is shared by the AU normative framework, as a potential entry point as well as a legal and ethical framework for the United Nations to intervene in Zimbabwe.¹⁶²

On 29, April, amid escalating violence, the Council held an informal session on Zimbabwe where South Africa, which held the Council's presidency at the time, opposed a proposal reportedly supported by the US, European and Latin American members to send a special envoy on a fact-finding mission to Zimbabwe.¹⁶³ Zimbabwe's opposition welcomed intervention by the UN, with Biti arguing that the humanitarian concern made the problem more than merely a regional or sub-regional matter adding that it is something the UN should handle. On its part, the government of Zimbabwe denounced the session as 'sinister, racist and colonial', attributing this to its running conflict with the British.¹⁶⁴ However, Russia, China, South Africa and four other members voiced opposition to Council engagement, emphasising that SADC should remain the lead actor.¹⁶⁵

UN Secretary-General, Ban Ki-moon, endorsed the 'Africa strategy' of dealing with Zimbabwe, maintaining close contact with key African leaders including presidents Mbeki, Kikwete and Mwanawasa, to discuss a UN role in supporting a credible run-off, including the provision of technical assistance.¹⁶⁶ The secretary-general also focused attention on the problem of election-related violence indicating the need to involve international observers.¹⁶⁷ During the UN food summit in Rome, which Mugabe attended, Ban Ki-moon discussed the idea of sending UN Assistant Secretary-General for Political Affairs, Haile Menkerios, to Zimbabwe to which Mugabe agreed. However, although Ban Ki-Moon also stressed the 'need to stop the violence and deploy neutral international observers', Harare has kept the lid on international observer missions, which it has accused of being biased in favour of the MDC.¹⁶⁸ Following the meeting, on 5 June, Haile Menkerios travelled to Zimbabwe to discuss how the UN could assist in ensuring free and fair elections.

Like SADC, the UN called for the postponing of the run-off following Tsvangirai's announcement that he was withdrawing from the election. On 23 June, Ban Ki-moon said Tsvangirai's decision to withdraw was justified because of escalating violence against his supporters, describing the situation in Zimbabwe as the 'single greatest challenge to regional stability.'¹⁶⁹

The secretary-general's efforts to talk to other African leaders (especially South Africa) on this issue to ensure that the elections take place only when the conditions are conducive to a free and fair vote, did not stop Harare from proceeding with the polls. Zimbabwean officials hailed the decision by the UN Security Council to block efforts by the United Kingdom, the United States, and France to halt the run-off. South Africa's ambassador to the UN, Dumisani Khumalo, argued that the issue of Zimbabwe belongs to SADC and other regional bodies, not the UN.¹⁷⁰

The UN, supported by the United States and European countries tried to declare the 27 June polls illegitimate, but South Africa prevented this. Instead, the Security Council merely expressed 'deep regret' at the holding of the election. Meanwhile, on 28 June, the President of the United States, George W Bush, revealed that the US would be imposing new sanctions on Zimbabwe. The UN has said it will continue to work with the AU and SADC to ensure a satisfactory and non-violent resolution to the current crisis, perhaps with the formation of a unity government.

¹⁶² Interview with Zimbabwean Political Analysts Brian Kagoro and Alex Magaisa on SW Radio, 26 June 2008.

¹⁶³ This was not the Security Council's first involvement with the Zimbabwe situation. In 2005, it considered the consequences of Operation Murambatsvina, the government-sponsored campaign to force many citizens out of the cities. See Crisis Group Africa Report N°97, *Zimbabwe's Operation Murambatsvina: The Tipping Point?*, 17 August 2005.

¹⁶⁴ API discussion, *Zimbabwe Journalist*, Harare 3 May 2008.

¹⁶⁵ Crisis Group telephone interviews, Security Council member-state diplomats, 30 April 2008.

¹⁶⁶ Louis Charbonneau, "Ban discussing UN help for Zimbabwe re-run", Reuters, 6 May 2008.

¹⁶⁷ See "Secretary-General urges swift release of Zimbabwean presidential poll results", UN News Centre, 7 April 2008, at www.un.org/apps/news/story.asp?NewsID=26227&Cr=zimbabwe&Cr1=; and "Secretary-General, closely following evolving situation in Zimbabwe, says international observers needed for future stages of electoral process", press release, 7 May 2008.

¹⁶⁸ Mugabe Permits UN envoy", *Sapa-Associated Press*, 5 June 2008.

¹⁶⁹ "UN calls for Zimbabwe poll delay," BBC News, 24 June 2008.

¹⁷⁰ Khumalo reported in SAFM (Pretoria), 2 July 2008.



6. Facing the Future: Towards a Democratic Peace Agenda

Zimbabwe's election crisis, now taking a drastically uncertain, brutal and murkier turn, signifies a new wave of election impasses as democracy unravels in many parts of Africa from the Democratic Republic of Congo to Kenya, foreshadowing potential election-related implosions in Malawi, Ghana and South Africa. The Zimbabwe impasse calls for nuanced responses at the regional and continental levels.

6.1. Continental capacity to prevent deadly electoral disputes

Zimbabwe reveals the weakness of African regional and continental structures in dealing with the escalating instability resulting from electoral processes. In its decision on the Kenyan situation in February, the AU summit stressed 'the need to initiate a collective reflection on the challenges linked to the tension and disputes that often characterize electoral processes in Africa, including *the strengthening of the African capacity at national, regional and continental levels to observe and monitor elections* [emphasis added].¹⁷¹ In the cases of both Kenya and Zimbabwe, the AU has called for 'dialogue and consultation' to resolve electoral gridlocks.¹⁷² Africa has developed innovative policy documents to deal with elections, including the Constitutive Act of the African Union, its African Charter for Democracy, Elections and Governance and its Declaration on the Principles Governing Democratic Elections in Africa. This is hardly sufficient, though. It is imperative to bridge the widening gap between these instruments and the structures needed to enforce and monitor their implementation.

Perhaps the AU needs to invest more in beefing up its 'soft' power capacity for dialogue and consultation at the highest level rather than its prevailing bias towards its 'hard' power capacity in the form of intervention and peace enforcement capacity. It should prioritize the implementation of the Panel of the Wise to mediate in the increasing number of disputes arising from electoral processes. Africa urgently needs to establish a continental election court, especially to deal expediently with deadly disputes arising from presidential polls across the continent. The AU should also consider establishing a Pan-African Election Commission along the lines of the African Commission on Human and Peoples' Rights to build on the capacity of national election commissions. Such institutions would have helped in stemming the crisis in Kenya and now in Zimbabwe.

6.2. An expanded AU/SADC mediation with an African character

The Zimbabwe post-election crisis has reached a highly dangerous and complex level which demands additional capacity to tackle the new challenge robustly. The Mbeki-led AU/SADC mediation is the best placed instrument with the requisite continental mandate to spearhead dialogue leading to the resolution of the crisis in Zimbabwe, but it needs to be expanded to strengthen its capacity. However, while mediation may draw from expertise across Africa and internationally, it is essential to retain its African character and mandate.

Realizing that the post-election reality is that no one party in Zimbabwe can rule the country within a democratic context, the mediation has to move speedily to broker a sustainable executive power-sharing arrangement, leading to a government of national unity, with clear timeframes and mechanisms to closely monitor its implementation.

The regional initiative on how to resolve the Zimbabwe crisis seems to favour a negotiated power-sharing arrangement. Both Mugabe and Tsvangirai recognized the need for a national unity government, but earlier they had disagreed on the timing: Tsvangirai favouring the formation of such a government before the run-off while Mugabe wanted it to be formed only after the run-off. Power-sharing is critical because the results of the March election revealed a sharp divide between the opposition and the government.

Many are looking to Kenya's post-election power-sharing as a model for Zimbabwe. While Kenya has succeeded in creating an executive prime minister as head of government and an imperial president as head of state, this deal is still riddled with implementation problems and reflects the country's unique history, ideological and ethnic alignments and international interests that are unlikely to be effectively replicated in Zimbabwe. The Mbeki-led mediation faces an uphill task to create an arrangement that reflects Zimbabwe's challenges and realities.

¹⁷¹ African Union, "Decision on the Situation in Kenya following the Presidential Election of 27 December 2007," Assembly/AU/Dec.187 (X), Assembly of the African Union Tenth Ordinary Session 31 January - 2 February 2008 Addis Ababa, Ethiopia.

¹⁷² AU, "Communique on the Situation in Kenya", Addis Ababa 31 December 2007.



6.3. An end to the culture of political violence involving all players

There were widespread predictions that Zanu-PF would break up into factions, leading to the powerful security force elements pushing Mugabe aside in support of an opposition-led unity government. On the contrary, for now the party seems to have survived the ordeal and a Mugabe comeback is a reality, although this has left behind a trail of violence. The trend to instrumentalize violence through state-sponsored goon militias has triggered a parallel emergence of retaliatory violence by the opposition which, though still covert, appears to be gradually acquiring a more structured and programmatic character.

There is a remote chance that the effort by Zanu-PF to use violence to establish total control under a renewed Mugabe presidency might trigger accelerated economic collapse and deprivation, leading to unrest and civil war. But the chances of a full-scale civil war are slim at the moment, given the weakness of the MDC and the virtual monopoly over coercive power by Zanu-PF; however, this may change in the longer term. The AU-SADC mediation, regional leaders and the international community need to help Zimbabwe work towards establishing a neutral and professional disciplined force and to pull war veterans and youths militias off the streets and out of the villages. It must take a bold moral stance in condemning violence in whichever form, including by the opposition, and in encouraging it to stick to a non-violent democratic struggle. An armed struggle is likely to tarnish the opposition's strong democratic credentials.

6.4. A culture of democratic peace

A possible scenario is that following his controversial win in the 27 June elections, Mugabe will prioritize putting reform into place to secure the future of his party, which faced near political annihilation during the election. More than ever before, Mugabe is fully dependent on the instruments of the state and his Zanu-PF party for backing to stay in power and this increases the likelihood of this scenario. But the consolidation of democratic peace in Zimbabwe must go beyond such short-term political calculations of the ruling party elite. Zimbabwe must confront the glaring absence of democracy in the structures of political parties which has bedevilled and divided both the ranks of the ruling party and the opposition MDC alike and paralysed Zimbabwe's politics.

Even if a unity government is put in place, far-reaching constitutional and electoral reforms will be required to ensure that Zimbabwe does not remain a 'trapped democracy'. It is necessary that the country implement the full range of regional and continental instruments designed to consolidate democracy, including the 2004 SADC Principles and Guidelines Governing Democratic Elections, the Constitutive Act of the African Union, the African Charter for Democracy, Elections and Governance and the Declaration on the Principles Governing Democratic Elections in Africa. Zimbabwe must also recommit to the principles of human rights as laid out in the African Charter on Human and Peoples' Rights, including instituting a property rights regime to govern critical issues such as land, which clearly remains at the root of Zimbabwe's crisis.

Even though Zimbabwe has not signed up to the International Criminal Court, western powers and lobbies are already flagging issues of justice and drumming up support for prosecutions of the ZANU-PF elite. While it may not be possible to institute proceedings against the ruling party's leadership in the court, crusaders following this path are likely to take the route of authorization by the Security Council (along the lines of the tribunals for the former Yugoslavia and Rwanda) to endorse any legal action. They should be mindful that a peaceful future for Zimbabwe calls for a careful balance between reconciliation and justice

6.5. An economic recovery plan

Zimbabwe's economic recovery is a complex and contested issue. Those flagging bad policies by the Mugabe regime as the root cause of the economic meltdown prescribe liberal democracy (via the opposition) as a cure. The link between liberal democracy and economic recovery is still a tenuous discourse while the opposition's capacity to deliver remains untested. On their part, ZANU-PF stalwarts blame the country's economic woes on 'illegal' sanctions by the EU, the US and other international players as well as isolation and the hostile international environment, which it sees as retribution for the seizure of white farms in Zimbabwe. The chances that the West will lift its targeted sanctions against Zimbabwe while Mugabe is in power are razor thin. Judging from the views of the EU it appears that discussions on easing sanctions might be entertained if Tsvangirai presides over a unity government, but anti-Mugabe sentiment has hardened after the elections.

A regional route to Zimbabwe's economic recovery appears more feasible, despite lingering issues of sovereignty. As mediator, South Africa should consider revisiting its offer of a \$500 million credit line to Zimbabwe, which it had proposed in 2005 to enable the country to offset its debts to



international donors¹⁷³ It contemplated using the proposed credit line as a carrot to leverage its mediation leading to a government of national unity. Although SADC's 28-29 March 2007 summit appealed for the 'lifting of all forms of sanctions' and for the UK to 'honour its [1979 Lancaster House] compensation obligations' relating to land reform, it has not been heeded. Zimbabwe's roadmap to recovery needs to begin with the report of SADC executive secretary, Salomáo, on the economy, although Zimbabwe dismissed the conditions it sets 'as worse than those prescribed by the IMF'. This should be the basis of both regional and international financing of recovery, including short-term bailouts by SADC's finance and planning ministries, and a concerted effort to secure the participation of major international donors and financial institutions. Regional financial institutions, particularly the Africa Development Bank (ADB) and the Development Bank of Southern Africa (DBSA), have a role to play in coordinating a 'mini-Marshall Plan' for Zimbabwe. Central to this plan is a land reform strategy.

6.6. A UN sanctioned SADC/AU military intervention

The West has accelerated its pre-election strategy of isolating Mugabe internationally and regionally as the US and UK governments vow not to recognise President Mugabe and call for tough sanctions. Intervention by armed peacekeepers, which Tsvangirai has called for to remove Mugabe from power in 'pro-democracy invasion' style, appears unlikely. Zimbabwe's army may effectively resist any foreign military intervention, but this is not the case with sanctions. However, intervention by a SADC-AU force, possibly the SADC Brigade as part of the African Union Standby Force (ASF), might become necessary if Zimbabwe descends into full-blown civil war, but the chances of this are minimal.

6.7. International sanctions

As soon as a unity government is formed, it will be important for the US and the EU to consider lifting sanctions to consolidate the power-sharing arrangement, paving the way for peaceful democratic elections in the near future. The EU has imposed travel bans and asset-freezing measures against Mugabe and 130 of his leading supporters. The US, Australia and non-EU western powers like Australia also have sanctions in place.

Meanwhile, members of the international community, broadly defined, should now consider pushing for multilateral sanctions targeting both ZANU-PF and the MDC with the aim of getting them to desist from violence and commit to the realization of the AU resolution calling for an end to violence and for peaceful negotiations to achieve an inclusive government of national unity. The US has already moved to tighten the sanctions against ZANU-PF hardliners and extend them to apply to their families as well, including children at schools and universities abroad. The US and EU should refrain from institutionalizing such 'communalized sanctions' that victimize family members of Zimbabwean politicians based on the mistaken premise that children share, and should therefore pay for, their parents' political opinions. Such generalized and communalized sanctions stand in obvious violation of the fundamental human rights of the children and they also betray a streak of racial/civilizational bias.

¹⁷³ Zimbabwe rebuffed the offer, calling it a threat to national sovereignty because of the conditions attached to it, including a new constitution acceptable to all, repeal of all restrictive laws, a fair and open land reform and a credible economic recovery program. Interview with officials of the Department of finance, February 2006; President Mugabe's interview with Zimbabwe Television (ZTV), 19 February 2006.



7. Conclusions

Post-election Zimbabwe stands at the crossroads between democracy and chaos. The election has intensified Zimbabwe's protracted political and economic crisis, demanding speedy and effective action from all players. But regional and international positions are drawing further apart, split over how to respond to Mugabe's re-election. Tougher sanctions and possible intervention leading to the removal of President Mugabe from power dominate western imaginings of how to pull Zimbabwe from the brink, while consensus in Africa has coalesced around dialogue leading to a government of national unity, with the Mbeki-led SADC mediation as the officially sanctioned mediating body. The hope of a peaceful end to Zimbabwe's complex crisis, with all its ideological, racial and even civilizational shades, now rests in the hands of the SADC mediation, which needs to be expanded and strengthened while preserving its distinct African character and stewardship.

