

## **Zimbabwe: Crossing the stretching gulf between a military regime and a civilian state**

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*Regardless of whether the current round of talks survives, or whether a new one is initiated, the MDC-T<sup>1</sup> will have to go back to basics to ensure that the path taken is one that leads to democracy*

21 July 2008, the day Zanu-PF, MDC-Tsvangirai and MDC-Mutambara signed an agreement that commenced power sharing talks, was surrounded with great media fanfare. As Zimbabwe's perfect storm – the collision of economic, humanitarian, and political crises – refuses to dissipate, even skeptics found it hard to disregard the glimmer of hope fomented by the media. However, more than two weeks after the expiry of the magic 14-day deadline that was meant to yield a power-sharing agreement, the talks are on the verge of collapse and, unsurprisingly, very little has changed for most Zimbabweans.

Just over two weeks ago, the Harare offices of the Crisis in Zimbabwe Coalition were raided, forcing staff to go into hiding. Last week, WOZA<sup>2</sup> members were arrested, some taken from their homes inexplicably. In the midst of an economy in a freefall, basic goods, even when available, remain unaffordable to most. A recent crop assessment by the United Nations Food & Agriculture Organisation (UNFAO) predicts that the already widespread malnourishment and hunger will soon turn into country-wide famine<sup>3</sup>. Despite this, and regardless of the conditions set out in the talks, Zanu PF refuses to loosen its murderous grip over the country's civilian population by allowing relief and aid organisations to resume work, sentencing entire communities to death by starvation<sup>4</sup>. While victims and their families struggle to recover from the severe emotional, physical, and economic traumas of operations 'Mavhoterapapi'<sup>5</sup> and 'Tsuronegwenzi'<sup>6</sup>, and although the marathon of violence that enveloped the June run-off has somewhat tapered, politically motivated intimidation and victimisation (particularly through the denial of food) continues unabated.

With a great deal of attention focused on whether a deal will be signed or not, the Zimbabwean question, at least in the media, has been reduced to the outcomes of the Mbeki-led mediations. From the outset it was

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<sup>1</sup>The Movement for Democratic Change, the MDC, split in 2005 following political differences regarding that year's senate elections. Currently one faction is headed by Morgan Tsvangirai (referred to as MDC – T) and the other by Arthur Mutambara (referred to as MDC – M). The two factions won a combined majority in parliament (MDC – T 100 seats and MDC – M 10 seats, with the control of assembly requiring at least 105 seats) in the March 2008 elections. While following the March 08 elections they announced a coalition, relations between the two have since been tenuous.

<sup>2</sup>WOZA stands for *Women of Zimbabwe Arise*, a democratic movement formed in 2003 and now comprising a membership of over 35,000 women and men countrywide. See <http://wozazimbabwe.org/>. The information about their arrest is sourced from a WOZA press release dated 15 August 2008.

<sup>3</sup>Raath, Jan, *Zimbabwe faces famine after harvest fails*, The Australian, 07 July 2008.

<sup>4</sup>In July, the UNFAO estimated that by August two million people will have to be fed or face starvation, and that by January 2009, this number will rise to 5.1 million (ibid.). In April the UN's IRIN service reported that at that point, one-third of the Zimbabwean population, or about four million people, were receiving food aid. See *ZIMBABWE: Humanitarian operations curtailed by violence*, [www.irinnews.org](http://www.irinnews.org), 21 April 2008

<sup>5</sup>*Mavhoterapapi* translates into 'Where You Put Your X' – a large scale Zimbabwean government campaign to punish those who supposedly voted for the Movement for Democratic Change in the 2008 presidential election. See [http://en.wikipedia.org/wiki/Operation\\_Mavhoterapapi](http://en.wikipedia.org/wiki/Operation_Mavhoterapapi).

<sup>6</sup>*Tsuronegwenzi* translates into "attack both the hunted and those who shelter them" and refers to Zanu PF's concerted campaign to weaken the MDC through the elimination of the middle leadership and organisers on the ground. The operation undertook to attack not only the targeted persons, but also their families, in the process brutally murdering and torturing wives, children or any other relatives of targeted persons in hiding. See the report by the Solidarity Peace Trust, *Desperately Seeking Sanity: What prospects for a new beginning in Zimbabwe?* 29 July 2008, pg 29.

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clear enough that it is far more than mediation outcomes that stood between the transformation of Zimbabwe from a military regime to a civilian administration – let alone a democratic dispensation – and now that the talks are in ruins more so. The analysis below seeks to consolidate the case that unless future talks (which hopefully will be inevitable given Zimbabwe's economic collapse) are framed by a fundamentally different set of practices and power configurations, it is unlikely that moves towards a genuine transformation of the political system would be yielded.

It is true that the harmonized elections of 29 March 2008 bore the signs of positive, even monumental, progress for Zimbabwe's governance. It was the country's first election in decades that allowed the state broadcaster to cover opposition rallies and positions, and that largely allowed for campaigning to take place in communities countrywide. Most importantly, it made provision for vote counting mechanisms that, perhaps to the surprise of political actors, combined with Zimbabwe's active (and suddenly unhindered) civil society election monitoring network (ZESN) and access to ICT tools<sup>7</sup> – made rigging incredibly difficult.

There is no doubt that this success – encapsulated in the agreement of Constitutional Amendment (CA) 18<sup>8</sup> – was an important one for the Mbeki-led mediation<sup>9</sup>. Zimbabwean civil society erupted into anger when CA 18 was adopted unanimously by both MDC and Zanu-PF MPs in September 2007, arguing that a piecemeal approach to the Constitution would be disastrous. Yet as the general elections unfolded, the specifications outlined in the document facilitated an election process that allowed for transparency<sup>10</sup>. It was the series of unprecedented unprocedural and even illegal steps<sup>11</sup> taken by Zanu-PF in reaction to their lesser share of votes<sup>12</sup> that prevented the March 29<sup>th</sup> harmonized elections from constituting great strides towards the birth of a Zimbabwean democracy.

And it is here that the most fundamental and critical failure of the Mbeki-led negotiation lays bare: the failure to build political will. Zanu-PF, driven by the hardliners vying for Mugabe's future, was willing to conduct transparent and free elections, as long as it was clear that it could not lose. At the very least, Zanu-PF entered into the CA 18 agreement convinced that the MDC could not possibly win. No doubt aware of the grand failures of its own governance, Zanu-PF nonetheless assumed that the MDC's political mistakes (magnified by relentless repression) had been greater. This assumption – probably fanned by Mbeki, rooted in the illusions of grandeur and the hierarchical political culture harboured by the region's liberation

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<sup>7</sup> The Zimbabwe Election Support Network is a coalition of non-governmental organisations formed to co-ordinate activities pertaining to elections. ZESN had large numbers of civil society observers in the March elections who made use of cell-phones to document and circulate the ballot count results as posted on the exterior of individual polling stations. See <http://www.zesn.org.zw/>

<sup>8</sup> On Thursday, the 20th of September 2007, House of Assembly members from the MDC and the ruling ZANU PF party unanimously agreed on the proposed amendment no. 18 to Zimbabwe's constitution. The amendment facilitated the harmonization of the presidential and parliamentary elections. The agreement on this matter was facilitated as part of Thabo Mbeki's SADC mandated mediation efforts.

<sup>9</sup> The Southern African Development Community (SADC) mandated SA President Mbeki in March 2007 to broker talks between the MDC and ZANU PF to find a solution to Zimbabwe's deepening economic and political crisis.

<sup>10</sup> The system of counting at polling stations, which included posting the tallied results on the exteriors of polling stations, made it impossible to rig the elections. This too was a result of the Mbeki-mediated dialogue. See Manyukwe, Clemence. *Interview: Prof Welshman Ncube* Financial Gazette, 24 May 2008. <http://www.newzimbabwe.com/pages/interview60.18230.html>

<sup>11</sup> The deliberate delay in announcing the March 29<sup>th</sup> election results, through claims of logistical difficulties and then a recounting process was in violation of the vote counting procedures set out by the Zimbabwean Electoral Commission and the Electoral Act. Zanu-PF also ignored the legislated requirement that a run off must be held within 21 days of the first election round. See Matyszak, Derek, *How to lose an election and stay in power*, Idasa SITO publication, 20 June 2008

<sup>12</sup> Zanu-PF garnered 43.2% of votes to Tsvangirai's 47.9%.

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movements – is what underpinned and defined Zanu-PF's amicability to concessions – not political will grounded in the understanding that change is inevitable.

The failure to build political will is rooted not in Mbeki's insistence on 'quiet' diplomacy – rather, his diplomacy has not been 'quiet' at all, brazenly seeking to interfere and engineer Zimbabwe's political landscape. Clearly not a disengaged mediator, as Mbeki continues to practice his brand of 'quiet' engagement, he works to strengthen Zanu-PF both within and without: within, by pushing forward a Zanu-PF agenda; without, by legitimizing the regime's actions, staving off criticism and pressure from its principals, and breathing life into Mugabe's polarising rhetoric in regional and continental contexts. Combined with Mbeki's continuous efforts to undermine Morgan Tsvangirai<sup>13</sup>, despite the will expressed at the March 29<sup>th</sup> polls, it is little wonder that the talks have failed to yield political will. Indeed, Mbeki's tolerance towards the Zanu-PF's post March 29<sup>th</sup> transgressions has been really problematic.

Mbeki's insistence to systematically downplay the continuing violence suffered by MDC members and ordinary citizens – as well as suppress any information of these occurrences – has become a regular feature of the talks. In May of this year, six former army generals from the South African National Defence Force (SANDF) were sent to Zimbabwe to assess reports of political violence, yet Mbeki has refused to make their findings public. The findings of the generals, who were apparently 'shocked'<sup>14</sup> by the levels of state-sponsored violence, would lend credence and moral authority to the MDC's position and make clear that while there have been retaliatory attacks by MDC supporters, these instances cannot be equated with Zanu-PF's comprehensive roll-out of state brutality, as the recently released joint statement<sup>15</sup> by Tsvangirai and Mugabe works to suggest.

Mbeki's refusal to acknowledge political violence and intimidation in Zimbabwe coalesces with Zanu-PF's failure to meet the most basic ground conditions of the talks: the cessation of political violence, the lifting of the ban on food aid, and the release of MDC activists (including MPs). As the principal of the talks, Mbeki must bear responsibility for the failure to ensure that these key conditions were indeed met. As recently asserted by Elinor Sisulu at a public solidarity rally<sup>16</sup>, the key demands that Mbeki has failed to enforce are no different to what the ANC itself demanded<sup>17</sup> prior to engaging in negotiations with South Africa's National Party.

Like the stand-off between the MDC and Zanu PF, the circumstances of South Africa's talks were characterized by a balance of powers defined by one side wielding the force of state-sponsored violence.

<sup>13</sup> SADC's contradictory action of accepting Mugabe as a Head of State at the recent summit, despite the findings of their own election observers that the March 29<sup>th</sup> elections "did not represent the will of the people of Zimbabwe" and did not "conform to SADC Principles and Guidelines Governing Democratic Elections", is the culmination of efforts to legitimate Mugabe and undermine Tsvangirai (see SADC Election Observer Mission's Preliminary Statement, <http://www.eisa.org.za/PDF/zim2008sadc2.pdf>). In addition, awarding Mutambara the same stature in the talks as Tsvangirai, regardless of the difference in their share of votes, worked to exacerbate divide-and-rule politics.

<sup>14</sup> Muleya Dumisani, *Zimbabwe violence 'shocks' SA generals*, Business Day 14 May 2008.

<sup>15</sup> On August 6<sup>th</sup> representatives of the ZANU-PF party and the two MDC factions issued a joint statement condemning ongoing political violence in Zimbabwe. In a show of unity aimed at facilitating the negotiations, in the statement, which does not single out any actors as more accountable than the others, all three political parties accepted blame and undertook to ensure that their members were not involved in committing abuses. See Mpofu Patricia *ZANU PF, MDC negotiators condemn violence*, ZimOnline, 7 August 2008

<sup>16</sup> Rally for Social Justice in Zimbabwe, St George's Cathedral, Cape Town, 31 July 2008.

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While Mbeki, with a view to keep the negotiations going at all costs, insisted on disconnecting the violence suffered on the ground from the ongoings around the table, others in the ANC argued that the mediation was just one front<sup>18</sup>. The logical conclusion of that argument was to insist that each instance of violence would be as politically expensive as possible. This entailed the roll-out of mass action, Mandela's request for UN peace keeping troops (an outright violation of the set conditions for negotiations), the refusal to engage in reaction to instances of brutality, as well as the downright suspension of the talks in response to violent outbreaks. Persons close to the negotiation argue that eventually, it was the ANC's success in curtailing state-driven violence that led to a shift in balance and a move forward in the negotiations.

In addition to wielding state-driven violence, both Mbeki's 'mediation' efforts and the sham elections of 27<sup>th</sup> June<sup>19</sup> strengthened the Zanu PF's hand: the party now holds the power to unilaterally constitute a cabinet at the drop of a hat (as Mugabe announced he intends to do this week). Despite a continent-wide condemnation of the run-off, Mugabe firmly remains on the invitation list to SADC heads of states meetings, suggesting that regional reactions to such one-sided actions will be insubstantial. Accounts of the SADC heads of state meeting that took place on the 16-17 August troublingly suggest that SADC's sympathies lie with Zanu-PF and MDC-M<sup>20</sup>, who claim that Tsvangirai is 'overplaying his hand' and demanding more than initially agreed<sup>21</sup>.

While Zanu-PF wields the power of the state apparatus, for the MDC-T, power around the negotiation table is balanced on a different set of coordinates. Firstly, MDC-T's weight is derived from its possession of the legitimacy – that Zanu-PF so desperately craves. Secondly, the claim to legitimacy is closely linked to support on the ground – partially indicated by the March 29<sup>th</sup> elections and partially a yet-to-be-realised potential of grassroots mobilisation. Lastly, the MDC-T's most substantive card is the promise of western aid. In this sense, the more Zimbabwe's economy implodes, the stronger Tsvangirai's position becomes.

The deadlock we are seeing now – Tsvangirai's assertion that 'no deal is better than a bad deal'<sup>22</sup> – is the flexing of muscles in the context of the mediator's weakness. Embattled by his own party and *persona non grata* of South African political circles and public sphere, Mbeki's legacy now unilaterally depends on the success of this mediation. The besieged South African president is under immense pressure to deliver results that would give reasons as to why his mediation should survive.

The problem is that without exception these points of strength are tinged with ambivalence, whether as a result of Zanu-PF's repression and manipulation or the MDC-T's frequent leadership blunders. Firstly, while

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<sup>17</sup> Sisulu was referring to the demands stated in the Harare Declaration adopted by African political leaders in Zimbabwe on August 21, 1989 at the request of the African National Congress. The statement laid down principles and modalities for negotiations. See <http://www.anc.org.za/ancdocs/history/oau/harare.html>.

<sup>18</sup> Gevisser, M. *Thabo Mbeki: The Dream Deferred*.

<sup>19</sup> While Tsvangirai won the majority of votes in the March 29<sup>th</sup> elections, he did not meet the requirement of having 50% of all votes +1. This forced a run-off between the two leading contenders, Zanu-PF and MDC-T. Only 5 days before the scheduled June 27<sup>th</sup> poll, Tsvangirai pulled out of the race citing the extensive campaign of violence and intimidation suffered by MDC supporters and preventing campaigning. Refusing to call the election off, Mugabe stood unopposed for president.

<sup>20</sup> At the heads of state meeting on 16-17 August, SADC accepted Mbeki's explanation that it is MDC that is "the principal obstacle to settlement" and urged Tsvangirai to soften his stance. Moyo, Jason and Rossouw, Mandy *MDC: Brown's Trojan horse?* M&G online, 22 August 2008. Also Peta, Basildon *What is on offer now is what is practicable: Ncube*, ZimOnline 20 August 2008.

<sup>21</sup> Peta Basildon, *ZANU PF is stumbling block to talks: Tsvangirai*. ZimOnline, 20 August 2008 and Peta, Basildon *What is on offer now is what is practicable: Ncube*, ZimOnline 20 August 2008.

<sup>22</sup> *No Quick Fix Zim Deal* Sunday Independent, 17 August 2008

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the MDC-T claims wide-spread support, the party is unable to realise the potential of mass mobilisation. It is long since Zimbabwe has seen strong mass action<sup>23</sup>, and in the current climate of repression, taking into account the MDC-T's hemorrhage of organisational skills and middle leadership courtesy of operation *Tsuronegwenzi*, it is unlikely that collective action will suddenly emerge. Secondly, and closely linked to the question of demonstrable broad-based support, is that while MDC-T indeed won the majority at the March 29<sup>th</sup> polls, one has to admit that it was not by a large margin. MDC-T's results at parliament mirror this as well, with 100 seats to Zanu-PF's 99. Under these circumstances, MDC-M, with a mere 10 seats, emerges as kingmaker. While these results are tainted by Zanu-PF's gerrymandering as well as Mbeki's failure to insist that electoral counting procedures were followed, the starkness of the final numbers remains and is the basis for negotiations. Finally, one cannot ignore the long held doubts over Tsvangirai's leadership abilities. Thus, while MDC-T's claim of legitimacy is the strongest of all parties, one wonders whether it is strong enough to ride through the deadlock the negotiations have reached now, and through the threat of an unprincipled Mugabe-Mutambara deal.

The only place the MDC-T's legitimacy is not questioned is in the eyes of western powers; hence the party's hold over the promise of aid. Ironically, in the context of the racialised nationalist rhetoric championed by Mugabe and-US driven foreign policy interventions that have undermined national sovereignty, this source of support is also a significant point of weakness that works to distance regional leaders – whose orientation will be key to shifting the balance of power around the negotiation table and creating political will.

Sans regional support, West-driven diplomatic pressures are unlikely to yield results, and the absence of European aid may simply be plugged in with the revenues from Asian finances and the ongoing exploitation of Zimbabwean mineral resources, which, while unlikely to resolve the economic meltdown, are thus far working well to sustain its elite.

While the principled politics and oppositional stances taken by Zambia, Tanzania, and especially Botswana in opposition to SADC's rhetoric of 'unity at all cost' are both encouraging and historical, doubts remain as to whether, in the short to medium term, these shifts will have an impact beyond the realm of the symbolic. Thus far, they seem so delicate so as to make the untimely death of former Zambian President Levy Mwanawasa, Zimbabwe's most outspoken African critic, an unsettling factor<sup>24</sup>. To date, divisions of opinion and varying levels of commitment to democracy in the multilateral institutions of SADC and the AU have ensured that the actions and resolutions taken on Zimbabwe have been meek, and SADC's blessing of the opening of parliament this week (a break of the negotiation conditions) indicates that the formidable commitment to the current status quo, including Mbeki's approach, has not yet been shaken.

Tsvangirai is clearly aware of the feebleness of SADC's support – as well as its immense potential. However, what MDC-T seems to be neglecting is that activating the support of the region itself depends on stronger claims to legitimacy and support than it currently has. This suggests that Zimbabwean civil society is more central to what the MDC's efforts reveal. While an ANC type roll-out of mass action is not likely, the

<sup>23</sup> Masunungure, Eldred *Why Zimbabweans won't rebel*: Part 1 & 2. ZimOnline September 22 2006

<sup>24</sup> Mwanawasa's most likely successor is Vice President Rupiah Banda. Banda is a long time friend of Emmerson Mnangagwa, Mugabe's right hand man.



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reconstruction of trust and the development of a united voice with organisations on the ground cannot be underestimated and is critical to strengthening the MDC-T's claims of legitimacy. Such claims have been badly damaged by civil society positions such as the recent call for a transitional authority headed by a neutral person, neither Zanu-PF nor MDC (either of the factions)<sup>25</sup>.

To be sure, Zimbabwe's civil society has long been irked not only by Mbeki's insistence that the resolution to Zimbabwe's crisis lies in a game of complex horse trading transactions, but moreover by the MDC's engagement with the process despite Zanu-PF's failure to meet basic conditions. Under Mbeki's conditions of secrecy, the enforced absence of communication has meant that processes of consultation have been curtailed and, in classic 'divide-and-rule' politics, this has fueled tensions and distrust between the MDC and Zimbabwean civil society, who have been on the receiving end of daily abuses.

Yet, if the chances of mobilising Zimbabwean mass action are limited, mass regional civil society and trade union action proved its power in regards to the *An Yue Jiang* arms ship<sup>26</sup>, and COSATU<sup>27</sup> has announced a week of further action during which all workers will refuse to handle goods destined for Zimbabwe<sup>28</sup>. While such actions cannot replace Zimbabwean expressions of will, they could assist in shifting popular sentiments and hold the potential to impact national foreign policy positions<sup>29</sup>. Moreover, the fostering of such solidarity is important in its own right, although at this point its impact may be more symbolic than concrete.

With the Zimbabwean struggle for democracy looking set to shift into long-term gear, the MDC-T need to ensure that future rounds of mediation are framed by a fundamentally different set of practices and power configurations. Without the consolidation of partnerships with pro-democracy forces, whether governmental or civil, whether national or regional, the MDC is unlikely to emerge from this battle with gains. However, if it continues neglecting its allies, supporters, and members on the ground and endlessly postponing much needed collective consultation and mobilisation, it is sure to lose – not just the battle for a transformed government, but also the bigger war for democracy.

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<sup>25</sup> On the 15 July 43 Zimbabwean Civil society organizations met in Harare and "called for a transitional government with a specific time limit, led by a neutral body, to pave the way for a legitimate government. They said any transitional government should be headed by an individual who is not a member of ZANU-PF or MDC". See Gonda, Violet, *Civil groups demand inclusion in "talks"*, SW Radio 15 July 2008. WOZA repeated this call in its July 2008 newsletter.

<sup>26</sup> The *An Yue Jiang* is a Chinese vessel which carried arms destined for Zimbabwe. When the ship docked the South African port of Durban in April 2008, planning to offload cargo that would be transported to Harare, civil society and church organizations were alerted to its presence and plans. While members of trade union SATAWU (representing transport workers) collectively refused to handle the ship's cargo, civil society led a successful court action against the ship which saw the shipment barred. Later, another court action allowed a German development bank to seize the cargo in compensation for an unpaid debt owed by the Zimbabwean government. The ship escaped the port before this order could be implemented and began circling the Southern African coast. Regional civil society and trade unions were alerted, and actions similar to those launched in South Africa were undertaken. Subsequently, after offloading construction materials in Luanda, the *An Yue Jiang* had to return to China without having offloaded the arms destined for Zimbabwe.

<sup>27</sup> Congress of South African Trade Unions

<sup>28</sup> This was resolved at the recent COSATU Zimbabwe and Swaziland "Solidarity Conference", held 10-11 August 08. See Sebatha, Lizwe, 'COSATU a terrorist, uncivilised body' ZimOnline 16 August 2008

<sup>29</sup> Ditswanelo (a Botswana human rights organisation argues that its consistent action on Zimbabwe since 2000 is partially the reason for Botswana's principled position. Regional Civil society meeting in Pretoria convened by Crisis Coalition.