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Nicole Ball and Kayode Fayemi (eds)
Frequently publicised pronouncements by President Robert Mugabe of Zimbabwe that were made before the 2005 parliamentary poll, which optimistically indicated that he might be contemplating retiring from office, have revived the ongoing speculation about the preconditions that the aging head of state would require to be in place before he relinquishes his position in government. More broadly, there has also been increasing debate about the possible shape of a post-Mugabe dispensation, and how this government might begin to tackle the serious economic and political difficulties facing this country. Even members of Zimbabwe’s ruling establishment now commonly accept that the formal economy is in a state of near collapse. Whatever their publicly stated positions, leading figures in ZANU-PF admit that a return to international respectability and the resumption of aid and loan flows are urgently needed if a complete economic meltdown is to be averted. The difficulty has been in finding a common position that establishes a road map for Zimbabwe’s recovery, which is both functional and acceptable to all the key stakeholders.

In order to facilitate a discussion of these topics, the African Security Analysis Programme at the Institute for Security Studies invited a small group of experts and analysts from Zimbabwe and South Africa to participate in a roundtable discussion entitled ‘Zimbabwe: Imagining the future’, before the parliamentary elections that were held on 31 March 2005. The participants, who formally presented their views at this roundtable, authored the essays contained in this special edition of the African Security Review (ASR). The main focus of this edition of the ASR is the analysis of the ongoing crisis in Zimbabwe and the possible solutions to the challenges that face this country.

The delegates at the roundtable generally agreed that Zimbabwe was in a state of unprecedented crisis. There may have been differences in the articulation of the causes and nature of the crisis. Nevertheless, the participants concurred that Zimbabwe is facing a multi-layered crisis that requires a multi-pronged approach. One of the themes common in all the papers relates to the various effects that the decline in the economy has had on the domestic political balance of power. The decline of the economy and the deficit in democracy have had an effect on the living standards of the vast majority of Zimbabweans and have created a groundswell of support for opponents of the current government, whose mismanagement and corruption are seen to be at the heart of the problem. Much of this discontent is manifested through the support given to the Movement for Democratic Change (MDC). In this light there must obviously be questions about the viability of the MDC in a ZANU-PF dominated parliament especially if the international community does help alleviate the economic crisis in the aftermath of an anticipated acceptable political
settlement. This systemic vulnerability of the MDC is considered by more than one of the authors.

The Zimbabwean opposition, its civil society and the Southern African Development Community (SADC) region are gripped by a pervasive uncertainty as to what should be done to take Zimbabwe out of this largely self-induced quagmire. The participants agreed that the solution to the Zimbabwe crisis will have, realistically and very delicately, to balance, amongst other things, economic and political exigencies and justice and reconciliation concerns. The balance of forces in the country is too close to call and thus no single entity can go it alone.

This compilation of papers covering various topics pertaining to the crisis in Zimbabwe, was put together in the spirit of enhancing the broader understanding of the challenges facing this country, in order to hopefully assist in the various on going processes aimed at seeking solutions to this protracted crisis. Noble efforts were made by the authors and participants of the roundtable to imagine and contribute to the creation of a better future for Zimbabwe. A future that will hopefully provide the people of this country with the freedom from want, hunger, and fear that they have struggled so hard for, particularly at a time when this county has just commemorated it silver jubilee of independence.

Thanks must go to the authors themselves whose tireless efforts have produced this work. A special word of thanks must also go to the members of the African Security Analysis Programme, particularly Dr. Joao Porto and Richard Cornwell, who have helped and provided invaluable advice every step of the way.
ZIMBABWE’S MARCH 2005 ELECTIONS: DANGERS AND OPPORTUNITIES
PETER KAGWANJA

THE PRISONERS OF HOPE: CIVIL SOCIETY AND THE OPPOSITION IN ZIMBABWE
BRIAN KAGORO

THE LAND IS THE ECONOMY
Revisiting the land question
LLOYD SACHIKONYE
Introduction

The prevailing political deadlock between the ruling ZANU-PF government and the opposition Movement for Democratic Change (MDC) harks back to the flawed 2000 parliamentary elections and the 2002 presidential elections, which the MDC claimed were ‘stolen’. Since April 2004, after the evident failure of inter-Zimbabwean dialogue or ‘quiet diplomacy’, which was mediated by South Africa and supported by key international players including the United States (US), regional actors including the Southern African Development Community (SADC) and South Africa itself, these parties looked to the March 2005 elections as a chance to end the stalemate. This suggested an opportunity to ease the attendant political atmosphere of
confrontation and counter the risk of civil conflict in Zimbabwe.

Organising and winning a credible election in 2005 - according to the thinking of the ruling ZANU-PF stalwarts - offered a viable strategy for self-rehabilitation and a coming-in from the political cold (the isolation and sanctions imposed by the international community). In June 2004 the government announced that it would soon introduce reforms to the electoral system. It later endorsed the principles and guidelines governing democratic elections promulgated by SADC at its summit in Mauritius in August 2004. But while the government introduced some changes to the electoral system, including setting up the Zimbabwe Electoral Commission (ZEC), establishing an independent election court, and instituting technical reforms focused on procedures for polling day, many analysts dismissed these changes as cosmetic and essentially a ploy to hoodwink the international community.

The repressive system of governance the Mugabe administration introduced during the 2002–2004 hiatus remained intact, making the platform of electoral competition uneven and casting into serious doubt the freeness and fairness of the parliamentary poll held in March 2005. In addition, a plethora of restrictive laws undermined the basic freedoms of association, movement and assembly; weakened the opposition; muzzled the media; and emasculated the judiciary. State-sponsored political violence linked to the youth militias and the increasingly political role played by the security forces, the intimidation of government opponents, and the stifling of dissent contributed to a narrowing of the political space. Ironically, shortly before the elections, polling data suggested that the combination of terror tactics and propaganda had not only emboldened and given a new lease of life to authoritarianism, but also improved the popular ratings of Mugabe and the ZANU-PF. This occurred despite the economic meltdown in the country, which resulted in desperate economic conditions for the vast majority of Zimbabweans. The existence of a repressive authoritarian system posed serious obstacles to the campaigning activities of the main opposition party, the MDC, during the March 2005 parliamentary elections.

The MDC saw the March elections as a chance to resolve the national crisis, but insisted on full implementation of the SADC principles and guidelines governing democratic elections as a condition for its participation. In February, yielding to pressure from its internal supporters (who argued that the party should not deliver victory to ZANU-PF unchallenged) and to calls from regional and international players that it should take part in the elections, the MDC reversed its poll boycott.

**An electoral minefield**

The possibility of creating a political environment in which all parties could compete on an equal basis was minimised by the restrictive law regime that exists in the country, which undermined the basic freedoms of association, movement and assembly. In the aftermath of the controversial elections in 2002, the government used the Public Order and Security Act (POSA) to prohibit and shut down public meetings of the MDC and civil society organisations, to repress dissent, persecute its opponents, and muzzle and even outlaw sections of the media. In August 2004 the MDC made efforts to seek redress from the courts when POSA was employed to bar its leader, Morgan Tsvangirai, from addressing party and public meetings, but the courts were not sufficiently free to pass a non-partisan and meaningful verdict.

The POSA was reinforced by the recently promulgated Criminal Procedure and Evidence Amendment Act (CPEAA). Rigorous application of the Broadcasting Services Act (BSA), together with the Access to Information and Protection of Privacy Act (AIPPA), which requires journalists and media houses to register with the government, curtailed the freedom of the media in general and the free reporting of elections specifically. Under the AIPPA, three papers were closed down, including the leading independent newspaper, the Daily News. The Public Voluntary Organisation (PVO), which requires organisations that provide welfare services and treatment to register and has been in force since 1996, was utilised to deny registration to NGOs deemed not supportive of the government's party.

The ruling party also used its majority in
parliament to pass the controversial Non-Governmental Organisation (NGO) Bill, which provided for the “operation, monitoring and regulation of all non-governmental operations” and tended to criminalise the activities of human rights and governance NGOs. Although Mugabe, capitulating to international pressure, failed to sign it into law and referred it back to parliament in early 2005, its devastating impact has already been felt by civic groups, which have imposed self-censorship to avoid being outlawed. The NGO Bill was driven in part by the government’s paranoia about external funding of the MDC and its civic partners, especially the financial support supplied by foreign donors to NGOs dealing with human rights issues. It also restricted the capacity of these groups to undertake civic education programmes.

The provisions of the Bill include the stipulation that “foreign non-governmental organisations that are providing food will not be able to continue doing so without restriction”, because they threaten the government’s monopoly over food distribution, which is a valuable source of patronage and influence over voters. Sadly, as a result of the legislation, some 10,000 jobs in the NGO sector are at risk of being lost, at a time that the country’s unemployment has risen to over 70 per cent.

**Political violence**

Far from maintaining a professional distance from politics, Zimbabwe’s security forces – the police and the Central Intelligence Organisation (CIO) – are dominated by war veterans who are members of ZANU-PF. They have publicly declared that would not salute a president who was not a veteran of the anti-colonial war, a tacit reference to the leader of the MDC, Morgan Tsvangirai.

While this party–military nexus helped stabilise the state and shielded the government from any possible military takeover, the politicisation of the armed forces is a serious impediment to democratic transition. In the past four years the police, army and air force have been called upon to crush political demonstrations. In addition, the CIO, which under the Minister of State for National Security in the President’s Office is responsible for internal and external security, has been widely used to monitor and punish dissent. While there was a remarkable decline in political violence ahead of the March 2005 elections, physical intimidation by the security forces marred the seven by-elections that have been held since the 2002 presidential poll. In April 2004, the ruling party used intimidation and violent tactics to win an MDC parliamentary seat in Harare. The security forces were involved in the arbitrary detention of opposition politicians, the dispersal of MDC rallies and assaults on civilians, especially in the low-income suburbs of Harare and Bulawayo. The result was a traumatised and intimidated citizenry, and an environment of psychological fear that undermined free participation in the electoral process.

In addition to the coercive role played by the security mechanisms of the state, political violence is linked to the training of the youth militias, which implicitly incites them to the use of physical force. As part of President Robert Mugabe’s strategy for youth mobilisation before the 2005 parliamentary election, in the middle of 2004, he warned the ZANU-PF youth league that if his party lost the election they would be directly answerable. It is estimated that more than 40,000 youth militia have graduated from the national youth service programmes, also known as “Border Gezi” (after a former ZANU-PF Secretary for the Commissariat and Minister of Youth and Employment). The training of young people to fulfil a quasi-military role is firmly part of ZANU-PF’s electoral matrix. In 2002 the government made public its plan to establish 35 youth training centres nationwide and to increase its budget allocation to the National Youth Service Programme from Z$418 million (about US$79 million) in 2002 to Z$2 billion (US$380 million) in 2003. The idea of such training is not unique to Zimbabwe, but the government has exploited the vulnerability of the mass of poverty-stricken and unemployed young people who are lured into the national youth service by the promise of salaries, food and clothes, to create an army of pawns in their political chess game. Equipped with skills which can be applied to suppress and even torture supporters of the opposition, these young Zimbabweans have been responsible for the use of violence to ring-fence rural areas as ZANU-PF
Besides being used to monitor public dissent, members of the militias have undertaken an array of political projects. These range from ensuring compliance with government price controls and distributing food for the Grain Marketing Board (GMB) to setting up roadblocks, torturing opposition loyalists, and destroying their property. For example, in August 2004 ZANU-PF youths abducted and assaulted Mbare Mutukwa, an MDC official, rendering credible the widespread suspicion that the government has been training these young people to create a private army that can be used to its electoral advantage. International organisations such as the Geneva-based International Parliamentary Union (IPU) have in the past called on the government to ensure a violence-free electoral environment by immediately putting an end to the recruitment of party militias.

A dangerous game: Land and food politics

Zimbabwe’s troubled economy inevitably became part of electoral politics ahead of the March 2005 parliamentary contest. Before the election, Reserve Bank’s governor Gideon Gono announced that the new monetary policies he had introduced had brought inflation down from an annual rate of 624 per cent in January 2004 to less than 130 per cent in January 2005. However, this was widely viewed as an electoral gimmick: the prices of fuel, food and other basic necessities have skyrocketed since the election. More than 75 per cent of the population live below the poverty line, in spite of Gono’s claims. The production of traditional crops for export, such as tobacco, has plunged to an all-time low of 60 million kilograms this season (from a peak of 220 million five years ago), leading to a serious deficiency of foreign currency. This has been reflected in the long queues for fuel and the soaring prices of food, which many can no longer afford to buy. In addition, the country is experiencing serious shortfalls in food production that are directly linked to the recent droughts and to the fast-track land redistribution programme.

The government has adopted measures such as banning increases in school fees and imposing restrictions on the ability of local authorities to increase tax rates, in order to win popular support. It has also used the land issue as an electoral tool, by dangling the promise of land allocations like a carrot in front of MDC leaders, to induce defections and extend its patronage network. In early September 2004 Harare’s executive mayor, Sekesai Makwavarara, decamped from his party and joined the ranks of ZANU-PF after reportedly having been granted land the previous month. Land has also been a crucial instrument in maintaining the loyalty of the military and the police, who have been given large swathes of farmland and urban plots.

Food as a political weapon

On 12 May 2004 President Mugabe’s government told donors that Zimbabwe would not require food aid in 2004–2005, as it anticipated a bumper harvest. In an interview with Sky News, the president disclosed that the country would halt food imports in the light of an anticipated harvest of 2.4 million tonnes of maize. (Zimbabwe consumes at least 100,000 tonnes of this staple cereal per month, about 1.2 million tonnes a year. In addition, the country requires 600,000 tonnes for its strategic grain reserve stock.) Despite the president’s claim, it soon became clear that the country was facing serious food insecurity. The UN Food and Agriculture Organisation (FAO) and the World Food Programme (WFP) survey report in July 2004 predicted a deficit of 325,000 tonnes of maize. The Zimbabwe Vulnerability Assessment Committee (ZimVAC) report indicated that 2.3 million people in rural areas would need food aid in 2004–2005. Government sources such as the bipartisan Portfolio Committee on Lands and Agriculture, set up by parliament in August 2004 to verify government crop yield estimates, gave conflicting figures on the last maize harvest. In spite of the government’s assertion of food sufficiency, an August 2004 report of the Bulawayo Council indicated that 125 people had died of hunger and malnutrition-related causes in the March–July 2004 period. The executive mayor of Bulawayo, Ndabeni Ncube, and the Director of Health, Dr Zanele Hwalima, confirmed in September that deaths...
associated with food shortage in the famine-stricken opposition stronghold of the Bulawayo province had increased to 161. The government responded to these reports by threatening the Bulawayo City Council with ‘drastic action’ for releasing the statistics. However, at a meeting on 1 June 2005 with the UN envoy on humanitarian needs, James Morris, Robert Mugabe accepted UN food aid in a retreat after declaring only two months previously that his cash-strapped government had enough resources to avert looming starvation in the country. Morris said: “President Mugabe accepts and welcomes food aid from the United Nations but it’s not immediately clear how much is needed because we are meeting with relevant [government] ministers to work through the numbers. We will be able to establish the fuller details as we go along.”

Things falling apart?

In May 2004 President Mugabe announced that he would not seek re-election in 2008 and might retire before then, adding the rider that he was having difficulty in identifying a successor. The announcement sparked off a vicious power struggle that threatened to rip ZANU-PF apart, both during and after the December 2004 party congress. The contest in ZANU-PF primarily revolves around the old guard’s refusal to hand over political power to a new crop of youthful politicians and Mugabe’s indecision over naming a successor. However, the immediate trigger for the current crisis within ZANU-PF was the need to fill the vice-presidential position that had been left vacant by the death of Simon Muzenda in October 2003. Ambitious leaders in the party felt that the second vice-presidential slot, currently held by the ageing and frail Joseph Msika, was also open to contestation.

The ethnic factor

The scramble for the presidency opened serious ethnic and intra-ethnic cleavages. Although efforts have been made to ensure equitable power-sharing between the Shona and the Ndebele, most members of Mugabe’s inner circle hail from his Shona sub-group, the Zezuru. At the intra-ethnic level, the contest matched the two principal rival Shona sub-groups, the Karanga, who mainly occupy Masvingo and Midlands provinces, and the Zezuru, who come from the Mashonaland Central, East and West provinces.

The Zezuru faction is led by a retired army general, Solomon “Rex” Mujuru, a long-standing ally of Mugabe. To counteract the Karanga faction, the Zezuru group has forged alliances with such influential Matabele politicians as John Nkomo (ZANU-PF’s chairman) and Dumiso Dabengwa, a former commander of the Zimbabwe People’s Revolutionary Army (ZIPRA), the armed wing of the Zimbabwe People’s Union (ZAPU), and a ZANU-PF politburo member. On the other side, the Karanga faction, which is closely identified with Emmerson Mnangagwa, another long-established ally of the president and the secretary of the ZANU-PF administration, feels that it is their ‘time to eat’, since the Zezurus have controlled most of the national cake for many years. The Zezuru faction have made attempts to taint Mnangagwa’s record by covertly making known his role, when he was state security minister, in masterminding the Gukurahundi, a military assault against ZAPU during which the army slaughtered more than 20,000 people in Matabeleland in the 1980s. Additional damage was done to Mnangagwa’s faction by a number of adverse press reports on his alleged role in the looting of diamonds and other resources from the Democratic Republic of the Congo during Zimbabwe’s intervention in that country’s war.

The anti-corruption campaign that the Mugabe government launched became a handy weapon in the internecine party war. Solomon Mujuru is a key member of the committee investigating ZANU-PF companies. The vast majority of those implicated in corruption scandals have been indirectly linked to Mnangagwa, including three directors tied to ZANU-PF companies: Dipak Padya, Jayant Joshi and Manharlal Joshi, who have fled to the UK. In August the government seized a mining empire owned by Mutumwa Mawere, a businessman who built his fortune partly through Mnangagwa’s political patronage. The reactions to the probe became increasingly violent and
partisan. At one point Mnangagwa threatened to shoot policemen who sought to interview him about his alleged involvement in gold-smuggling. He has since warned his detractors that he will not go down alone.

At inter-ethnic level, the minority status of the Ndebele is proving an additional hurdle for their leaders. Under the terms of the ZANU-PF/ZAPU Unity Agreement of 1987, one of the two vice-presidents must be an Ndebele from ZAPU and the other a Shona from ZANU. This power-sharing arrangement has disadvantaged ambitious Ndebele such as the ZANU-PF chairman and Speaker of Parliament John Nkomo, who want to enter the race for the presidency. Because the second vice-presidential slot is already occupied by a former ZAPU stalwart, Msika, the vacant position is reserved for a Shona.

**Generational and gender factors**

The struggle for leadership of ZANU-PF was characterised by attempts to use generational differences to trump ethnicity by a small but vociferous group of ‘Young Turks’, which included the fiery former Information and Publicity Minister, Jonathan Moyo; the Minister of Agriculture, Joseph Made; and the former Justice Minister, Patrick Chinamasa. This faction attempted to exploit its previous control of the media to project itself as representative of a new youthful ZANU-PF and to denigrate other potential successors to Mugabe.

Solomon Mujuru’s Zuzuru faction astutely played the gender card to blunt the generational challenge and out-maneuvre its ethnic rivals. On 5 September 2004 the ZANU-PF Women’s League congress passed a resolution urging that a woman should fill the vacant vice-presidential post. Mugabe’s wife, Grace, endorsed the resolution, which was taken as an indication that the president himself might be supportive of the move. On 22 November ZANU-PF announced it was nominating Joyce Mujuru, the Minister for Water Resources and Infrastructural Development, for the position. Besides being Solomon Mujuru’s wife, Joyce Mujuru is a heroine of the war of liberation. She has also earned great credibility by being Zimbabwe’s longest-serving cabinet minister.

In what has been dubbed ‘the night of the long knives’, on the eve of the opening of the party’s congress, which was to be held from 1 to 5 December, the Mujuru faction stepped up the pressure for a woman candidate to be chosen for the position of vice-president. This would also block the candidacy of Mnangagwa. In a counter-maneuver, the Mnangagwa camp joined ranks with the Young Turks and pushed for the retirement of the ageing Msika to create a second vacancy. At the famous Tsholotsho meeting (so called after Jonathan Moyo’s home constituency, where the meeting was held), the stage was set for a classic palace coup, which was intended to see the replacement of all positions in the Presidium, except Mugabe’s, by Tsholotsho members.

The plan, however, was nipped in the bud. ZANU-PF announced that it was re-nominating Msika as first vice-president and Joyce Mujuru as second vice-president. All members of the Tsholotsho camp were reprimanded and those holding key positions in the party politburo were demoted or removed from their positions. Analysts interpreted this as the silencing of the party’s ‘hawks’ and the elevation of its ‘doves’. The election of Joyce Mujuru has been hailed as a positive step towards grooming a moderate leader as Mugabe’s possible successor, although some view her as a pawn in a political game that is being played by men. The possible elevation of John Nkomo (who is ZAPU and Ndebele) in the future to replace Msika is considered the final step that would usher in a team of moderates to lead a ZANU-PF that is committed to political and economic reform.

However, the party emerged from the fray badly divided, and Mugabe has increasingly become a factional leader. The key positions in the party, government and security forces are now held by members of his Zezuru group and by fellow veterans.

**Domesticating SADC’s electoral guidelines**

On 7 September 2004, against the backdrop of domestic and international pressure to comply with the principles and guidelines for democratic elections that had been adopted in Mauritius by SADC the previous month, the Zimbabwean
government introduced a bill to create the independent Zimbabwe Electoral Commission (ZEC). Mugabe signed both the Election Bill and the Zimbabwe Electoral Commission Bill into law in January 2005. The commission’s remit is not only to organise and supervise all presidential, parliamentary and civic elections and referendums, but also to control the registration of voters; ensure the proper custody and maintenance of voters’ rolls; design, print and distribute ballot papers; procure ballot boxes; and establish and operate polling centres. The ZEC is also to conduct voter education programmes and give accreditation to local and international observers of elections and referendums.

The nomination of members to the Independent Commission was hailed as “fairly independent” and non-partisan. But the main threat to its effectiveness was the slow pace of its implementation, including the setting up of an office and developing the capacity to fulfil its numerous functions. It was further hindered by the existence of other institutions and authorities, some of them with overlapping functions, which are also involved in the electoral process and have the backing of the law. These include the Registrar General’s office, the Delimitation Committee and the Election Supervisory Committee. The independence of the election management body was viewed as essential to the credibility of the outcome.

But electoral reforms and the existence of the commission would never have been sufficient to ensure that the elections were free and fair. This is mainly because it can be argued that in the last election the ZEC was not operating within a free political environment. It is now clear after the 2005 poll that further electoral reforms will need to be accompanied by comprehensive political reforms, which will grant equal status to all parties and tolerance of opposing views.

The MDC: The hazards experienced by opposition parties

Since the MDC celebrated its fifth anniversary on 11 September 2004, its resounding defeat at the polls has raised serious questions about its ability to offer a realistic alternative to the Mugabe/ZANU-PF government. The government has proved adept at using the twin tools of coercion and co-option to undermine the MDC’s solidarity and has effectively reviled it as the stooge of foreign interests hostile to the Zimbabwean liberation struggle.

As propaganda took its toll on the MDC, the party began to show cracks at leadership level. The tactical divisions that emerged undermined its ability to strategise and find ways to take on the ZANU-PF juggernaut. A recent well-researched study by the South Africa-based Institute for Security Studies (ISS) identified two broad factions in the MDC. The first is identified with Morgan Tsvangirai and the national executive council, most of whose members failed to win parliamentary seats in 2000. The preferred tactics of this wing favour the use of trade union-style mass action to oust Mugabe from power. Apart from driving the abortive mass action campaign code-named the “final push”, which was brutally crushed by the security forces in April 2003, this faction was at the forefront of those pushing for a boycott of the 2005 elections.

The second grouping, led by the MDC’s Secretary General, Welshman Ncube, gives priority to talks with ZANU-PF to resolve the political impasse, which its members believe arises primarily from the question of political legitimacy. They consider that a negotiated solution would be quickly followed by governance and economic reforms, a return to rule of law and an end to the humanitarian crisis. It was anticipated by many observers that after the March elections, this group would play a pivotal role in steering Zimbabwe out of crisis by entering into post-election talks aimed at national reconciliation. This prospect seems increasingly remote as the ruling party, buoyed by its landslide victory at the polls, looks to entrench its dominance while simultaneously marginalising the opposition. Mugabe has unequivocally ruled out any chance of talking to the MDC and snubbed the appointment by the African Union Chairman, Nigeria’s Olusegun Obasanjo, of former Mozambican president, Joachim Chissano, to broker the Zimbabwe stalemate.
The political cost of the election boycott

The cost of trade-union-style militancy was the loss of the party’s urban clout. For example, by urging a mass resignation of its civic leaders from Harare municipality in November 2004, the MDC effectively surrendered its strongest power-base to ZANU-PF, which quickly appointed a committee to run the city. As noted, in August 2004 the MDC announced that it would not participate in the forthcoming by-elections and the March 2005 elections unless ZANU-PF implemented in full the SADC electoral principles and guidelines. The ruling party responded by stating that even though it would proceed with the elections with or without MDC participation, it would comply with the principles and guidelines.

The declaration that the MDC intended to boycott the elections exacerbated divisions within the party, with some parliamentarians arguing that the decision had been taken exclusively by the executive council, with insufficient advance consultation. Legislators such as Trudy Stevenson and Job Sikhala openly dismissed a boycott as being out of the question and declared that they intended to contest the 2005 elections. The MDC’s civil society allies also expressed reservations about the exclusionary and non-consultative manner in which the decision had been taken. For instance, the chairman of the National Constitutional Assembly, Dr Lovemore Madhuku, told the author that the most rewarding tactic the MDC could have adopted would have been to push for appropriate constitutional reform rather than a boycott. The business sector likewise indicated its unhappiness over the boycott, which it saw as potentially hampering its efforts to attract the foreign investment needed to resuscitate the economy.

The confrontational nature of politics in Zimbabwe eased somewhat after the acquittal by the High Court in Harare on 14 October 2004 of Morgan Tsvangarai, who had been charged with treason. This created an opportunity for talks and attempts to close the gap between the rival MDC and ZANU-PF. The acquittal was also directly responsible for a toning down of MDC rhetoric and the remarkable decline in incidents of political violence before and during the election. Tsvangirai himself took up a less belligerent stance, calling for national reconciliation and dialogue with ZANU-PF and reiterating to President Mbeki of South Africa and Prime Minister Bérenger of Mauritius that the MDC were willing to take part in the elections if the SADC principles and guidelines were implemented in full.

The acquittal also offered another chance for regional players such as South Africa to revive the stalled inter-party talks in advance of the elections. Accordingly President Mbeki convened numerous meetings with the Zimbabwean government and the leaders of the MDC.

Another benign effect was that the MDC embarked on internal consultations, which led to the reversal in early February of the party’s earlier decision to boycott the elections.

Regional actors and initiatives

The Southern African Development Community has been increasingly vocal in calling attention to the ZANU-PF government’s deviations from the rule of law and good governance, although South Africa, its most prominent member, continues to avoid direct criticism.

The Protocol on Principles and Guidelines Governing Democratic Elections adopted by the organisation’s 14 heads of state at their August 2004 summit has, as described above, become the focus of much of Zimbabwe’s internal political manoeuvring and of international activity. The protocol, which has been hailed as a landmark in the democratisation of the region, was substantially inspired by the African Union’s Declaration on the Principles Governing Democratic Elections in Africa. Signatories to the SADC protocol are expected to adhere to nearly a dozen core principles. These range from ensuring the full participation of citizens in the political process, freedom of association, political tolerance, and elections at regular intervals to guaranteeing equal access to the state media for all political parties and providing all citizens with the right to vote and to run for office. Other requirements are to ensure an independent judiciary and impartial electoral system, and to provide voter...
education. Political parties are obliged to accept and respect those election results that are proclaimed free and fair by competent national electoral authorities, in accordance with the law of the land, but are also to be guaranteed the right to challenge results.

The most innovative part of the protocol (which should have had considerable relevance for Zimbabwe’s March 2005 elections) is the provision for a SADC observer mission, the mandate and operational guidelines of which are set out in detail. The protocol also defines in explicit detail the responsibilities of the member state that is conducting the elections. The SADC observer mission, in the final assessment of their performance, seemed to have been driven by political imperatives (especially its rather obfuscating position that the Zimbabwe political impasse is a direct product of land seizures and the country’s efforts to follow black political power with economic power) and not by a clear-cut requirement to deliver an even-handed and technical assessment of compliance based on the guidelines established in the protocol.

The SADC principles and guidelines, while providing a useful framework within which domestic groups and governments could press ZANU-PF to level the electoral playing field, were not legally binding. Nor did they come equipped with penalties for non-compliance, though President Mbeki pointed out that “the SADC Treaty gives the possibility for member states of the community to be excluded from the regional body if they are found to be in violation of the treaty”. Getting the Mugabe regime not only to reform the electoral system comprehensively but also to initiate the extensive political reforms required to rescind restrictive laws will require concerted efforts by as wide a range of regional and other international actors as possible.

**South Africa: Ties that blind**

Undoubtedly, South Africa has emerged as the most influential external actor in the Zimbabwe crisis. In the aftermath of the disputed presidential elections in 2002, it advocated an inter-Zimbabwean dialogue between ZANU-PF and the MDC as the most likely means of resolving the political impasse. In July 2003, when the American president, George Bush, visited South Africa, Mbeki undertook to find a solution to the crisis in Zimbabwe within a year, via the resumption of inter-party talks.

However, although South African mediators got the two sides to engage in informal dialogue, the June 2004 target passed without significant change. The Director General for the Department of Foreign Affairs, Ayanda Ntsaluba, said that the meetings were going nowhere, because neither the MDC nor ZANU-PF felt the need for consultation with the other. South African Deputy Foreign Minister Sue van der Merwe said in August 2004 that the ZANU-PF by-election victories and its increasing focus on the March 2005 elections were partly responsible for the collapse of the talks. While conceding that the meetings have not produced tangible results, officials deny that there is nothing to show for their efforts. South African government insiders argue that in 2002 Zimbabwe was on the brink of anarchy and that their diplomacy defused tensions, buying time to work towards gradual reform. “Transforming a totalitarian regime into a democracy is far easier and less costly in terms of lives and resources than getting a country out of anarchy and introducing democracy,” said one official. Other South Africans said approvingly that Zimbabwe is more stable today than it was two years ago.

South Africa’s position as a mediator has been hampered by discord and policy disagreements on the Zimbabwe question. South Africa’s ruling African National Congress (ANC) party appears to have been nudging ZANU-PF stalwarts to move faster on reforms by opening up society and restoring democracy to defuse domestic and international opposition. Since June 2004 the ANC has received ZANU-PF delegations. It is alleged that at one of these meetings, the leader of the ZANU-PF contingent, John Nkomo, a moderate, asked for and received some sort of assurance that the ANC would help the party secure a convincing majority in the March 2005 parliamentary elections. While the ANC–ZANU-PF connection has been taken by critics as the reason for South Africa’s pro-Mugabe position and moderate approach to the Zimbabwe crisis, it has not been welcomed by all party members: this tie
has caused ripples within the ANC.\textsuperscript{61}

In contrast to the official policy adopted by the ANC, South Africa’s civil society has taken a more hardline position on Zimbabwe since the onset of the current crisis in 2000. Although the South African Christian church supported its counterpart in Zimbabwe in putting pressure on ZANU-PF to open up society, it has become more conciliatory. For example, the South African Council of Churches (SACC) made a plea to both ZANU-PF and the MDC to join a forum for a dialogue that would be similar to South Africa’s Convention for a Democratic South Africa (CODESA). The Congress of South African Trade Unions (COSATU), on the other hand, adopted a more aggressive stance in defending the MDC and calling on Zimbabwe’s government to respect human rights. In late October 2004 COSATU’s decision to send a ‘fact-finding’ mission to Zimbabwe to ascertain whether conditions exist for free and fair elections (and the mission’s deportation shortly after its arrival) seriously embarrassed its ANC partners and the Mbeki government.\textsuperscript{62} In February COSATU made another abortive effort to send a fact-finding party, but managed only to hold a border meeting with its Zimbabwe counterpart, the Zimbabwe Congress of Trade Unions (ZCTU). In contrast, the announcement by the white-dominated Democratic Alliance (DA) of South Africa that it would follow in the footsteps of COSATU and send a mission to Zimbabwe stirred up racial sentiments that helped ZANU-PF rather than the opposition. Although the South African business community – which has recently invested in mining, property and farming business\textsuperscript{63} in Zimbabwe – has kept a low profile, it has vested interests in ensuring a return to normality in Zimbabwe. It is therefore likely to exert pressure on the South African government to step up its role in resolving the political stalemate in Zimbabwe.

**The African Union: Bark, but no bite**

Since June last year, the AU has become more vocal about Zimbabwe’s deteriorating human rights situation. On 3 July 2004, the AU Executive Council at foreign minister level adopted a report by the Commission on Human and People’s Rights, which had visited Zimbabwe two years earlier (24–28 June 2002) and which was highly critical of the Mugabe government’s human rights record. Although the report was referred back to Harare for further consultation, with the notation that the Zimbabwe situation was a political crisis that required negotiations at the highest level, it was recently adopted by the AU at its summit in Abuja, Nigeria.\textsuperscript{64} This has increased pressure on Zimbabwe to show greater respect for human rights to avoid isolation by this powerful regional body.

Although Nigeria lacks the clout that South Africa has in Harare, it is without doubt a major player in African regional politics and has been a very vocal critic of Zimbabwe’s human rights record.\textsuperscript{65} As one of the underwriters of recent regional initiatives, including the New Partnership for Africa’s Development (NEPAD) and its Peer Review Mechanism (APRM), Nigeria feels that Zimbabwe is endangering their credibility.\textsuperscript{66} Being the current chair of the Commonwealth’s Heads of Government Meeting (CHOGM), Nigeria is also responsible for assessing whether Zimbabwe has made enough progress on good governance for its membership of that body to be revived.\textsuperscript{67}

**International actors**

**The European Union**

The European Union (EU) and its member states rested their hopes for an improvement in Zimbabwe on the outcome of the 2005 parliamentary elections. Since 2002 the EU has maintained sanctions targeting 95 key individuals in the Zimbabwe government and ruling party. These include Mugabe, his vice-presidents, cabinet ministers, leaders of ZANU-PF and the uniformed services, as well as family members, although the travel ban in particular has not always been airtight.\textsuperscript{68} A number of EU member states, such as Sweden, have recently intensified their expressions of concern over the deterioration in Zimbabwe’s political, social and economic situation.\textsuperscript{69} The United Kingdom (UK), the former colonial power, has been the most active.
However, its rhetoric has oscillated between calls for regime change and more moderate expressions of the need to restore the rule of law through free and fair elections. Thus, Prime Minister Tony Blair recently told the House of Commons:

[W]e work closely with the MDC on the measures that we should take in respect of Zimbabwe, although I am afraid that these measures and sanctions, although we have them in place, are of limited effect on the Mugabe regime. We must be realistic about that. It is still important that we give every chance to, and make every effort to try to help, those in South Africa – the southern part of Africa – to put pressure for change on the Mugabe regime, because there is no salvation for the people of Zimbabwe until that regime is changed.

Britain’s comments on Zimbabwe have been remarkably low-key, stressing instead its partnership with Zimbabwean society. Although Mugabe announced an ‘anti-Blair campaign’ in February, Britain has not fallen into the trap of responding to this nationalist rhetoric. This has aided the cause of the opposition.

**The United States**

Since the beginning of the current crisis in 2000, Zimbabwe has occupied a fairly prominent place on Washington’s Africa agenda. In spite of this, the Bush administration - which imposed targeted sanctions against senior Zimbabwe government and party figures that are similar to those of the European Union (EU) - has consistently appeared divided over how to act to bring about a return to democracy and the economic revival of the country. As noted earlier, the US has tended to support a position appreciative of South Africa’s policy of quiet diplomacy, rather than pursue a forceful position of its own. For most of the year after President Bush’s visit to South Africa in July 2003, the US appeared to count on South Africa to find a viable solution to the Zimbabwe crisis. As late as July 2004 – after the expiration of the twelve months within which Mbeki had predicted success – the Assistant Secretary of State for African Affairs, Charles Snyder, said: “[T]he jury is still out as to whether South Africa has done enough to help resolve the crisis.”

In September, however, the new US ambassador to South Africa, Jendayi Frazer, expressed a more sceptical attitude: “It’s not evident that [quiet diplomacy] is working at this point. There is clearly a crisis in Zimbabwe and everyone needs to state that fact. The economy is in a free fall. There is a continuing repressive environment. There needs to be a return to democracy.” In her first address to journalists in Johannesburg, she called on countries in the region to acknowledge the crisis and to form a “coalition of the willing” to push for regime change.

In contrast, the then Secretary of State, Colin Powell, spoke more cautiously of “regime restoration” at the swearing-in ceremony of the new ambassador to Zimbabwe, Christopher Dell. Describing the Zimbabwe crisis as a danger to its own citizens, “a drain on the region” and “a calamity-in-the-making for the international community”, Powell called for concerted efforts by Zimbabwes, SADC members and the wider international community, while noting that the problems transcend any one man (meaning Mugabe). Arguing that the constitutional foundations of a pluralist democracy exist in the country, he stated that “[t]he political regime in Zimbabwe has been degraded, but its constitutional basis remains intact. Zimbabwe needs regime restoration. It needs to restore the rule of law, and the country’s former pluralist life.” Powell said Dell was going to Harare:

… not to accuse or complain, not to point fingers or make demands. We’re sending him to work with Zimbabweans to build a society that respects the rule of law and human rights, that cares first and foremost about the wellbeing of its citizens, and that contributes to regional peace and stability.

And he urged Mugabe to adjust his course and restore his status as a great African leader before it was too late.

Speaking at her confirmation hearing in January 2005, the new US Secretary of State, Condoleezza Rice, named Zimbabwe as one of the “outposts of tyranny” in the world (together
with Cuba, Myanmar and Belarus). While this catapulted Zimbabwe back onto the global radar screen, it also signified what appeared to be a hardening of the American position towards Zimbabwe. Inside Zimbabwe, Secretary Rice’s remarks were viewed as expressing support for its repressed civil society, though they also pushed the ZANU-PF leadership to step up its anti-West rhetoric in the run-up to elections.

Conclusion

Recently, President Mugabe’s government has made some attempts to respond to the pressure exerted by Zimbabwean stakeholders, regional actors and the wider international community to dismantle some aspects of its repressive system of governance, introduce reforms to the electoral system, and ensure an environment conducive to transparent elections. This opening needs to be exploited, to reduce the high level of political tension and pull Zimbabwe from the brink of conflict. The need for new strategies and understanding has been captured by Morgan Tsvangirai: “Zimbabwe needs a new start. Zimbabwe needs a new beginning.”

While the ruling party is torn apart by internal power struggles, the opposition needs to unite behind a common strategy and set of tactics if it is to provide a credible and viable alternative.

Mugabe is still very much considered a great African and statesman, and African leaders remain highly sensitive to criticism of him from outside Africa. Significantly, the same Southern African Development Community (SADC) summit that adopted the protocol on election principles and guidelines in August 2004 was marked by sharp criticism of Western policies on Zimbabwe.

Uganda’s president, Yoweri Museveni, on a solidarity visit to Harare, dismissed regime change as an option for Zimbabwe, saying: “[I]t can’t be for black Africa. It cannot happen here.”

Mugabe, when accepting the credentials of the new UK, US, Australian and Nigerian heads of mission, reacted to Ambassador Frazer’s comments by threatening that “we will turn our people into guerrillas again should the need arise.”

If Zimbabwe’s Western partners, including the US, the UK and the European Union (EU), are to be effective in resolving the political crisis, they will need to tone down their rhetoric and support solutions designed by African leaders. Colin Powell’s idea of regime restoration resonates well in Africa and could lead to partnerships with regional players which might help to resolve the crisis.

Mugabe and ZANU-PF, who have managed to polarise the political environment in Zimbabwe into a contest between nationalists or patriots and colonialists/imperialists and their ‘puppets’, pay most heed to African institutions such as Southern African Development Community (SADC) and the AU and their member states, especially South Africa. These groupings, if they are backed by Western partners, have a chance of offering solutions to the political impasse in Zimbabwe. These partners must press not only for technical electoral reforms but for political change, including the repeal or amendment of repressive legislation.

Notes
5. MDC takes POSA to court, Zimbabwe Independent, 13 August 2004. The police denied Tsvangirai permits to address campaign meetings in the rural areas of Bikita East, Bikita West, Masvingo North, Gutu South, Gutu North, Gokwe Central, Gokwe East, Gokwe West, Kadoma Central, Silobela and Hwedza.
8. Interview, February 2005.
9. Interview with an official of the South African Non-Governmental Organisation Council (SANGOCO), September 2004.
Interview with ZANU-PF leaders, September 2004.


Ibid.


Interview with a ZANU-PF leader, September 2004.

Interview with a civil society leader, August 2004.


Interview with senior MDC officials, November 2004.


Adherents include the MDC’s secretary general, Welshman Ncube, and most of the party’s parliamentarians, including National Executive Council members who won seats in 2000. The latter have played a key role in the South Africa-mediated inter-party talks with ZANU-PF. They have a powerful ally in South Africa’s ANC leadership. Ncube is said to have unhindered access to President Thabo Mbeki and to others at the highest levels of the ANC.


MDC election boycott plan worsens uncertainty in business sector, ZimOnline, 6 September 2004, <www.zimonline.co.za.zw>. As noted above, the boycott has already cost the MDC several by-election seats (most recently the Seke constituency in Harare in September), increasing ZANU-PF’s strength in parliament to 98, two seats shy of the two-thirds majority required to amend the constitution. See also MDC surrenders Seke without a fight, ZimOnline, 4 September 2004, <www.zimonline.co.za.zw>.


Interviews with senior MDC leaders, November 2004.

Crisis Group Report, Zimbabwe: In search of a strategy, op cit, p 16.


Quoted by K L Hoeflich, The SADC summit: A tuck and a tooth or whole body workout, Electronic briefing papers, Centre for International Political Studies 52, 2004.

This analysis is based on extensive interviews with South African officials between April and August 2004.

Interview with South Africa government officials.


Quiet diplomacy or quiet support, ask DA, <africa.com>, 25 September 2004.

In 1991, the CODESA talks, in which all South African political and civil society organisations participated, led to the creation of an interim constitution and, three years later, to South Africa’s first non-racial elections. See Zimbabwe: South African churches urge political parties to talk, *Integrated Regional Information Network (IRIN)*, 9 July 2004.


Nigeria holds the chairmanship of the AU, the NEPAD Heads of State and Government Committee, and the Group of 77, and provides the Commonwealth’s Chairperson in Office.

In June 2004, Nigeria’s foreign minister, Oluyemi Adeniji, chaired the meeting of the AU’s Executive Council at which the report severely critical of Zimbabwe’s human rights record was tabled. As a result of the cooling in relations, the new Nigeria envoy to Zimbabwe, Anthony Ufumwen Osula, who was appointed in June 2004, had to wait three months to present his credentials. See We will turn our people into guerrillas again, Mugabe warns, <www.newzimbabwe.com/pages/powell6.1157.3.html>.


Sweden’s Pierre Schori, the head of the EU observation delegation during the March 2002 presidential elections, was deported by Zimbabwe prior to the vote. In protest the EU refused to select an alternate.


Interview with senior British diplomats in Zimbabwe, February 2005.

With regard to Zimbabwe, differences often appear between the statements of the State Department and the National Security Council. These frequently centre on how hard South Africa should be pressed to take action. See Crisis Group Report, *Zimbabwe: In search of a strategy*, op cit, p 18.

Charles Stith, the former US ambassador to Tanzania, where terrorists attacked the American embassy in 1998, recently stressed the role of South Africa as an ally “in the fight against terrorism”. It can best fulfil this role by working to bring economic and political stability to African countries that are plagued by economic problems and political unrest. See D Wickham, S Africa’s role in Zimbabwe bodes well for region, US, *USA Today*, 26 January 2004.


B Peta, US seeks ‘coalition’ to force Zimbabwe regime change.


Specifically, Secretary Powell said that Mugabe should undertake comprehensive reforms aimed at dismantling authoritarianism and desist from using food as a political weapon by creating proper distribution mechanisms and establishing accurate estimates of the country’s food requirements.


We will turn our people into guerrillas again, Mugabe warns, op cit.
There are many debates as to what constitutes the essence of our African humanity and, indeed, Zimbabwean-ness. The country has had a difficult but illustrious history characterised by turmoil and tenacity, chaos and courage, corruption and compassion. Zambia’s Kenneth Kaunda once described forgiveness as “a constant willingness to live in a new day”. In this article I intend to demonstrate why there has not been any revolt in Zimbabwe, despite unparalleled repression. Perhaps it is the ingrained capacity of Zimbabweans to constantly hope for a new day that has made us prisoners of hope. I wish to focus my comments on the effect the ZANU-PF’s authoritarian regime has had on political opposition in Zimbabwe, on the architecture of civil society, and in particular on the role of civil society organisations. A particular area of concern is the threat to their functioning posed by the new NGO Bill.

**Introduction**

On the evening of ZANU-PF’s victory at the polls on 4 March 1980, prime minister-elect Robert Mugabe addressed the nation on radio and television. He assured peace and stability for individuals and the nation as a whole. He promised to uphold both the letter and the spirit of the constitution, to maintain fundamental rights and freedoms, including property rights, and to secure the pensions of public servants. These were the promises upon which the independent nation of Zimbabwe was to be founded, and it was through visionary and pragmatic leadership that further bloodshed had been averted. At the time Mugabe argued that “[o]nly a government that subjects itself to the rule of law has any moral right to demand of its citizens obedience to the rule of law …”.  

We felt the moment demanded of us a spirit of magnanimity rather than that of arrogance, a spirit of national unity rather than division, a spirit of reconciliation rather than vindictiveness and retribution … We felt that the past and its wounds and grievances had to be buried and forgotten, but that the past, and the lessons it had taught us all about evils of racial oppression, undemocratic rule and economic exploitation, had always to be remembered. To us, the time had now come for those who had fought each other as enemies to accept the reality of a new situation by accepting each other now as allies who, in spite of their ideological, racial, ethnic or religious differences, were now being called upon to express one loyalty to Zimbabwe and embrace nationhood.

**THE PRISONERS OF HOPE: CIVIL SOCIETY AND THE OPPOSITION IN ZIMBABWE**

BRIAN KAGORO

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In his book *Our leadership and the destiny of Tanzania*, Julius Nyerere observed that when people find that things are going wrong, they expect to receive explanations and corrections where possible. When remedial actions are not forthcoming, people lose faith in the integrity of the government, and gradually that government loses their support and consent. Sadly, Zimbabwe has long since reached this stage. The abysmal decline of Zimbabwe is the result of several factors, some internal and others external.

It shall be argued here that Zimbabwe’s current dilemma is the result partly of a dysfunctional transition from colonial rule to independence and partly of the failure of ZANU-PF to transform itself into a party capable of democratic government. Both these lines of argument explain the Zimbabwean situation, in particular the politics of chaos and coercion that prevail. In other words, the Zimbabwean crisis is the result of a failure of leadership and of the political-party system. Good governance entails the accountability of the leadership to the electorate; respect for, and protection of, fundamental human rights; and respect for the constitution and rule through just law. In the Zimbabwean polity, however, values have never taken precedence over visions, strategic plans and actions. In sum, the real problem with the post-independence state is that its politics have been transacted largely in an ethical vacuum, with no clear baseline to establish right and wrong.

**The ruling party’s dilemma**

Prior to the February 2000 constitutional referendum, ZANU-PF could be described as a party that was confident of its ability to overcome serious challenges to its political hegemony in Zimbabwe. The presence of the party leadership at all levels of society induced silence and fear among the people. Party supporters often behaved like a choir reduced to docility and praise-singing for the government and the leader. The party did not countenance the expression of popular discontent. Instead of taking as its fundamental purpose the free flow of ideas from the people to the government, it constructed barriers that forbade such ideas.

ZANU-PF leaders often behaved like militia supervisors, frequently reminding the people of the need for silence in the ranks. This suppression of the rank and file did not heal the regional and ethnic cleavages established during the war of liberation. Repeatedly, rumours of factionalism in Masvingo province and Manicaland made headlines in the media. What would otherwise have been straightforward political competition within the body politic effectively became ethnic/regional contests.

Some argued that the so-called national party was essentially a tribe/region that had made itself into a party. This was particularly true of the people from Matabeleland, Midlands and Manicaland, who felt marginalised by the government. Mugabe’s response was to engage in a very complex and delicate ethnic/regional balancing act in his allocation of government appointments and party positions. Ultimately, ZANU-PF, a party that claimed after the 1987 Unity Accord to be national and to speak in the name of the totality of the people, secretly, sometimes even openly, organised an authentic regional dictatorship. The ministers, the members of cabinet, the ambassadors, top civil servants and heads of parastatals were chosen largely from the same region as the president; sometimes directly from his own family. The seeds of a bitter succession wrangle were sown soon after the Unity Accord and fertilised by this intricate regional balancing act.

Zimbabwe’s crisis of governance, therefore, must be located within the context of dysfunctional political parties as well as ideological and moral bankruptcy. It is a crisis of both leadership and followership. This can be explained, in part, by the godlike influence wielded by the leader. ZANU-PF, from an outsider’s perspective, is organised like a gang in which the toughest persons prevail, which inevitably results in an “infallible leader” or “big man” syndrome. The ascendancy of such personalities and their power over others is often mentioned and people become complicit in this perception, having no hesitation in declaring that such leaders induce terror in their collaborators and enemies alike.

Since the mid-1990s the country has been
obsessed with the question of who is to succeed Mugabe. What will happen to the country if Mugabe steps down or somehow disappears? Many people in our society seem to have abdicated any sense of political purpose that is not identified with him. Some have become irresponsible, oblivious to everything and essentially preoccupied with the comfort of doing nothing. Perhaps not all Zimbabweans are guilty of indifference; others might genuinely suffer from various degrees of ignorance. The resolution of the Zimbabwean crisis might actually be related to the resolution of the ZANU-PF succession dilemma. This is why the ZANU-PF congress - with all the attendant drama - was a significant national event. It confirmed for those within ZANU-PF what those of us outside have known for decades: that authoritarianism reigns supreme at the chicken-house. Some important actors within the ruling party have insinuated that the presidium had become the party, the congress and the constitution, operating above the will of the electorate.

It is common cause that the judiciary has become hostage to the ruling party, as has parliament. In an environment of single-party dominance it is safe to surmise that the complaints made by Jabulani Sibanda and others concerning ZANU-PF’s internal authoritarianism come down to what is essentially (as manifested outside the ruling party circle) the national problem of governance. Resolving one would effectively solve the other.

The vision for change and the MDC

The working people of Zimbabwe, who yearned for a political structure that was organised differently from ZANU-PF, formed the Movement for Democratic Change (MDC) in 1999. These people did not see a political party as an authority, but as a vehicle through which they as the people could exercise their rights and express their will. The Zimbabweans who founded the MDC had observed the dangers inherent in conflating the party with the government. They had seen impostors pretending to be party militants as a short-cut to gaining private wealth, or holding a post in the government, or stepping up the ladder, obtaining promotion and making a career for themselves. The founders of the MDC had keenly observed how these self-serving party militants perverted the nature of national politics. Those who started the MDC were actuated by the desire to replace mob-rule with a “more tolerant politics, an accountable, truly national and transparent way of governance”.

At the time of writing the MDC has been in existence for almost six years, and so it is apposite to inquire whether it has realised any of these ideals in its operations and leadership. That is, setting aside the obvious external threats it labours under, to ask the question: is the MDC tolerant of opposition/diversity, accountable, transparent and peaceful? Space constraints do not permit me to delve into this subject; readers should come to their own conclusions. While doing so it may also be an idea to ask the question: does the MDC represent a different leadership model from that of ZANU-PF? In addition, does the MDC have the depth of leadership to present a true alternative to the gang-like parties that Zimbabwe has seen so far?

The Rhodesian demon: Instrumental statism - a legacy from bygone days

The fundamental problem with Rhodesia was twofold: the refusal of white settlers to accept the principle of universal adult suffrage embodied in the slogan “one person, one vote”, and the racial segregation of society. These primary evils combined to form a lethal economic, political and social policy framework. The 1980 independence elections signified a symbolic end to colonialism and injustice. Nevertheless, the economic inequalities and Rhodesian state apparatus remained intact. Repressive laws such as the Law and Order Maintenance Act were not repealed; they were simply deracialised. The former freedom fighters and war collaborators were not rehabilitated. Thus the new nation continued to harbour the violent legacy and horrors of the era preceding the Lancaster House negotiations. The politics of retribution that have manifested
themselves in the last four years are outgrowths of the critical national questions that were not addressed, as they should have been, during the period of transition to majority rule.

On 18 December 1981 the ZANU headquarters in Harare were bombed. But for sheer good fortune, Mugabe and his central committee would have been killed. In 1982 the air force base at Thornhill was sabotaged. Apartheid-ruled South Africa was behind these assaults on Zimbabwe’s sovereignty. Mugabe and other leaders in Southern Africa, like President Samora Machel of Mozambique, knew very well that it was South Africa’s plan to stir up violence in Zimbabwe. The common thinking within ZANU-PF was that South Africa had enlisted the help of internal collaborators. As a result, Mugabe branded leaders of the opposition as malcontents. This was followed by the deployment of the Korean-trained Fifth Brigade in the Midlands and Matebeleland regions in 1983. Horrible murders, rapes, abductions and torture were perpetrated by these armed forces. The demon of Rhodesia had resurfaced, as the same laws and tactics that had been used in the old regime were employed against the people of Midlands, Matebeleland and Chipinge. (It is also important to note that ZANU-PF had lost the 1980 elections in these regions to ZAPU and ZANU (NDONGA) respectively.) After the loss of many lives and the disruption of whole communities, the madness in Matabeleland ended with the signing of the Unity Accord on 22 December 1987. For a significant period afterwards, Zimbabwe enjoyed relative peace.

The next major unravelling of the social fabric occurred when ZANU-PF lost a constitutional referendum, organised under the National Constitutional Assembly (NCA) on 12 February 2000, to civil society groups and opposition political parties. Since then, the state has been implicated in a vicious cycle of organised violence and human rights abuses, targeted mainly at perceived supporters of the principal opposition party, the MDC.

The spectrum in which violence occurs in Zimbabwe is broad; thus to make peace, violence has to be approached in its raw nature. It has been adequately demonstrated that the violence that besets Zimbabwe today has been inherited through the policies, laws and institutions established by the colonial governments, the main areas of contestation being political power and control over the economy. The unequal wealth and income distribution in Zimbabwe remains a contributory factor.

At the time of writing, Zimbabwe had endured two national elections since the February 2000 referendum: the June 2000 parliamentary election and the March 2002 presidential election. The country has also experienced several by-elections (Bikita West, Marondera West, Kadoma West, Kuwadzana, Zengeza, Makonde, Highfields, Insiza, and Lupane) as well as a host of local authority elections. All were contested in an atmosphere of violence and hatred. In the presidential poll in 2002 ZANU-PF went to extraordinary lengths to secure an election victory. The election failed to meet the fundamental requirements of the constitution of Zimbabwe, international human rights law, the norms and standards adopted by the SADC Parliamentary Forum, and those of all African electoral institutes. It is apparent that the largest proportion of administrative hitches were experienced by groups known to be generally sympathetic to the opposition. Many people in Zimbabwe had no access to views other than those of the ruling party during the campaigning period. The police prevented the MDC from holding rallies. The state-controlled media (still operating an unconstitutional monopoly over radio and television) ran a propaganda campaign in favour of ZANU-PF. The heads of the security forces made it clear they would not accept the opposition candidate if he won the election. The voters’ roll, which was in complete disarray, was kept secret. Urban dwellers, most of whom supported opposition candidates, were discouraged or prevented from voting through the restricted number of polling stations. The Electoral Supervisory Commission (ESC) had to rely on monitors chosen by government and the number of independent observers allowed to monitor the election was severely limited. There were also indications of vote rigging. In contrast to the severe reductions in the number of urban polling stations, many new rural
mobile voting stations were introduced. In the ultimate analysis the presidential election was neither free nor fair, even though the right to freedom and fairness belongs not merely to the contestants but to the people. The state’s actions were not only unconstitutional, but a betrayal of the fundamental rights and the ideals of the liberation struggle. All the foregoing vitiated the legitimacy of ZANU-PF’s victory and launched Zimbabwe’s government into a crisis of legitimacy.5

**Attack on civil society**

The Minister of Public Service, Labour and Social Welfare, Paul Mangwana, was quoted in a local newspaper on 5 April 2004 as having said the following about civil society groups:

> Some NGOs and churches are causing too much confusion in the country because they are converting their humanitarian programmes into politics … The government cannot allow that to happen, so we are saying they should go under scrutiny where we revise all modalities of their operations in the country. 6

These sentiments were uttered prior to the tabling in parliament of the most vicious instrument of repression so far, the NGO Bill. The implications of the new NGO legislation can best be understood within the context of Zimbabwe’s history of relations between the state and civil society.

Zimbabwe’s experience of colonialism, imperialism and dictatorship taught us that political domination has to be secured first as a political victory, in which public relations play a part.7 However, such a victory can be secured only if it is accompanied by a sense of justice, or at least justification.8 The arguments given by the government of Zimbabwe for exercising control over civic space and the citizenry, and for increased supervision and surveillance of civil society, have great appeal and, indeed, many supporters within the political establishment. The justification for this intrusion on democracy is not rooted in power or guns, but in reasoning that has a pseudo-moral base. Indeed, authoritarianism often gains support for its actions by justifying a supposedly moral position to the mass of the people - often at the expense of truth and integrity.9 This has been true of the new NGO legislation.

In the fluid political and economic situation that prevails in Zimbabwe, civil society organisations (CSOs) have acted as watchdogs over the political protagonists and as safety nets for the millions of Zimbabweans living below the poverty datum line (PDL). Their advocacy of transparency, human rights and good governance (both local and national) has enabled citizens to participate more meaningfully in the policy-making process. In modern political systems, elections are an insufficient gauge of the performance of any government, no matter how popular or well intentioned, hence the need for governments that are committed to genuine democracy and development to consistently interact with civil society. The role of governing in a democracy carries a dual obligation: to exercise state authority responsibly, and to accept criticism from the governed in a responsive manner. The very notion of a law-governed state presupposes that all authority is exercised in the general interest of the citizenry, and that the government’s interests are not in conflict with those of the free individuals it purports to represent. In other words, that responsibility and accountability are necessary concomitants of power. The NGO Act is a disingenuous attempt by the state to shield itself from scrutiny by its own citizens.

**State-civil society relations in Zimbabwe**

Relations between the state and civil society in Zimbabwe have always been contentious. Examples abound of serious curtailment of the activities of civic organisations during the Rhodesian era. This was often done under the guise of defending national sovereignty or fighting the so-called terrorists (black freedom fighters). Advocating democratic governance was seen as terrorism - and therefore banned - by the minority racist regime of Ian Smith. Rhodesian state authoritarianism was justified under the
seemingly benign guise of defending state security and national sovereignty. This rigid construction of politics produced murderous identities and a morality that condoned the use of terror against people representing any kind of different view or opposition.

Rhodesian authoritarianism was rooted not only in racism but also in the denial of equal citizenship and rights to those citizens critical of the government of the day. It made human rights a privilege to be dispensed at the discretion of state elites. It justified intolerance, violence and political xenophobia in the name of patriotism. Conversely, criticism of government policies was characterised as anti-state and treasonous. Supervision and surveillance were entrenched in a culture of the containment of discontent. Many laws were enacted to limit and criminalise the right of the citizenry to question authoritarianism. This was particularly true of repressive laws such as Law and Order Maintenance Act (LOMA), which empowered the police to detain citizens without trial.

Zimbabwe’s pre-independence history demonstrated a tendency for civic formations to transform themselves into political entities that would later wage war against colonial rule and compete for power. It also created another trend in which the state’s predictable response to growing unpopularity has always been either to ban civic formations, or to introduce stringent licensing requirements for them.

The Rhodesian regime’s response to African calls for democratisation can therefore be framed into three broad approaches:

**Criminalisation**

This had a dual application. The state criminalised all forms of democratic protest and discourse, and the citizenry saw the state and its agencies as criminal elements that prevented the exercise of their rights. This severe limitation by the government of democratic space and dissenting voices led to the armed struggle. Deviance or extra-legal activity became part of the inevitable strategy towards liberation from colonial rule adopted by these civil society groups. Arguably, laws passed by a criminal settler regime could be responded to only through acts of defiance. The settlers’ notions of criminality thus became the black majority’s notions of justice and redemption.

**Coercion (force)**

Coercion naturally followed from criminalisation. The government gave the arms of state (such as the intelligence unit, army and police force) the power to maim and kill on the most nebulous suspicion that a prohibited political act had been, or was about to be, committed. This power became a sword hanging over the heads of those citizens who dared to defy the colonial state and its many layers of illegitimacy. Notably, repressive laws gave rise to, and justification for, the pervasive problem of police brutality. Extreme physical force used against the state’s perceived political opponents became an acceptable institutional practice among the security forces. It is arguable that the administrative arms of government had equal disdain for the voices of the opposition under colonial rule.

**Co-option**

The media, state security forces and public order laws contained various clauses that encouraged citizens to spy on one another, with the result that some people became willing agents for the colonial state. These laws also attempted to create false distinctions between so-called good and bad citizens. Perhaps one can call this a state-determined civic morality. There were consequences (good and bad) for associating with either group of citizens.

Zimbabwe’s colonial history therefore teaches us that authoritarian state politics require certain pre-conditions for the survival of the regime:

- Coercive arms of state must be efficient, loyal and ruthless.
- Civic authorities and institutions such as the courts and the civil service must be complicit with the government’s aims.
- Civic, economic and political spaces in society must be closed up. This results in patronage and repression because no other organised conduit of expression or action is
possible outside the state.

- Information must be controlled by the political elite, who use the private and public media as mouthpieces. Through their monopoly over the public media, print and electronic, these politicians define for the country what is to be true, what has to be true, who is entitled to know such truth, and the form in which it should be told. The net result is that the ruling elite assumes a monopoly over all legitimate conduits of expression and information in the hope that it will become the only source of knowledge within the country.

- Tight controls must be maintained over the operation of all social movements, NGOs and organised groups in civil society. This is often achieved through a complex system of criminalisation, licensing, supervision and surveillance. The crudest manifestation of this occurs when the government seeks to control the funding and leadership of non-state entities.

The rationale for repressive legislation in Rhodesia went beyond the limited intention of silencing dissent and criticism. The real objective was to create a compliant citizenry. This article suggests that political and legal systems generally have the capacity - if not resisted - to drastically impinge upon our citizenship. Clearly there are parallels between Rhodesia and independent Zimbabwe on this aspect.

The operating environment of NGOs

Zimbabwe’s recent history has seen the government enacting legislation that circumscribes and criminalises the activities of key sectors of civil society. There have been incidents of indirect threats and state-sponsored attacks on individuals and organised elements of civil society. Several government ministers have threatened unspecified harmful action against NGOs and civil society generally.

Given the extreme polarisation arising from the political context described above, CSOs working in Zimbabwe cannot avoid coming face to face with issues of fundamental human rights and governance. The increased number of human rights violations combines with adverse socio-economic conditions to cause rapid changes in the needs of the communities that CSOs serve. This requires consistent reorientation of programmes to make them more responsive and relevant to the needs of their target groups. In essence, the prevailing environment precludes the implementation of project activities and processes within the parameters set by their original mandates. More significantly, both aid agencies and their partners have been forced to shift their activities to more discreet arrangements because the operating environment in Zimbabwe has become so difficult.

Several donor countries and aid agencies have had to decide whether to stay on in Zimbabwe. These aid agencies have found themselves in a quandary about whether to engage or disengage. They also need to reconcile the tension between seeking to strengthen Zimbabwean civil society and signalling their disapproval of the prevailing politics of chaos. The donor/aid agencies remaining in the country are now faced with a government that intends to exercise greater control and supervision of their activities (and especially those of their local partners). The limitations contained in the NGO Act will lead to a withdrawal of aid from vulnerable social groups that the government has been unable to support effectively over the last two decades. In this sense the new NGO legislation directly threatens the chances of survival of these groups.10

Many CSOs are working to create an environment conducive to the support of human rights, the promotion of economic growth, and the development of sustainable social services. The key question is: what legislative, strategic and resource interventions are required to achieve such an environment? What should NGOs define as their primary objective? How can NGO operations be made more sustainable in the prevailing environment? How can NGOs be made more transparent and accountable to their constituents and funders, and to each other? How can NGOs be secured as operating in a non-partisan arena, free from
foreign control and political-party interests? Should these questions be made into legislative objectives at all? These matters merit an open and robust national discussion. This is primarily because policy regarding the regulation of CSOs in a democracy must be consensually evolved. Further and as far possible, there must be a clear distinction between the state and civil society. This can be achieved through self-regulation of the civil society sector, while government retains a monitoring role. To the extent that the proposed NGO Act seeks to control and constrain the operations of CSOs, it threatens the autonomy and existence of a robust civil society. The NGO Act proposes to introduce a regime change of voluntarism enacted from above.

The real motivation behind the new legislation governing CSOs was the desire to ensure that the March 2005 parliamentary election would be won without any adverse local or international reporting on human rights violations. We can assume that the government believed that this could be achieved through banning or collapsing those groups that have built the capacity to report on human rights violations. Tsunga and Mugabe\textsuperscript{11} have summarised the government’s motivation thus:

\textit{A desire by government to restrict democratic space and reduce scrutiny of its human rights record;}
\textit{A desire by government to further limit enjoyment of universally recognised rights and fundamental freedoms by the people of Zimbabwe;}
\textit{To create a black-out of news on Zimbabwe filtering out to the regional and international community; and}
\textit{To reinforce an uneven playing field in matters of political governance and maintain the status quo.\textsuperscript{12}}

The immediate reason for the attempt to have the NGO Act passed before the 2005 parliamentary elections seemed to be the government’s vindictive and punitive response to the adverse report published by the African Commission on Human and Peoples’ Rights (ACHPR) after its fact-finding mission to Zimbabwe. According to the \textit{Herald} of 6 July 2004, “the report was similar to reports produced by the British-funded Amani Trust, which is well known for its anti-Zimbabwe stance and falsifying the situation in the country”. The \textit{Sunday Mail} of 11 July 2004 carried a story accusing the Zimbabwe Association of Doctors for Human Rights (ZADHR) of being a political grouping which had been instrumental in the compilation of the ACHPR’s report on gross human rights abuses in Zimbabwe.

A week later, the \textit{Sunday Mail} reported that the Minister of Local Government, Public Works and National Housing had accused NGOs of creating parallel governance structures in their areas of operation (instead of fulfilling their proper mandates) in an effort to help the opposition to destabilise the country. It is apparent from the foregoing that the motivation behind the new law is purely political. The bill must therefore be seen as a visceral reaction to criticism of the country’s shoddy human rights record.

**Proposed changes: General overview of the NGO Bill**

The new NGO legislation constitutes a grave abrogation by the government of Zimbabwe, not only of its responsibilities to the citizens of Zimbabwe, but of its obligation to the regional and international community. The new legislation for NGOs proposes to criminalise foreign funding for this range of crucial work. Banning all foreign funding will not only put a stop to essential support activities, but it will work against the values these human rights NGOs propound. In essence this is tantamount to undermining democracy in Zimbabwe.

The NGO law creates an NGO Council composed of five nominees from civil society and nine government representatives, all appointed by, and at the discretion of, the Executive. Furthermore Section 10 of the bill details the information which directors of NGOs will be compelled to provide when applying for their organisations to be registered by the NGO Council. These requirements are needlessly intrusive and show an appetite
on the part of government to use the law as a tool of intelligence-gathering against the NGOs, their boards and management. These provisions are sinister.

As already indicated, the new NGO Council will have only five NGO nominees (who will not be elected by NGOs). However, there will be nine high-ranking government employees, plus the registrar, chosen from different ministries or departments. Apart from the question of why certain ministries are involved at all (for example the Office of the President), it is quite clear that effective control of the council will be placed in the hands of the government’s representatives. They will unquestionably be instructed by their political masters as to what line to take. When one looks at the powers of the council, it is again impossible to justify the control given to the government over NGOs.

The new NGO Bill also distinguishes between local and foreign NGOs. The reason for this distinction is that, although both have to be registered, a foreign NGO may not be “if its sole or principal objects involve or include issues of governance” (clause 9(4)). This provision is a clear infringement of the rights to freedom of expression and association. To prohibit the advocacy by anyone, foreign or not, of good governance or the promotion of human rights cannot possibly be healthy - certainly not in a democratic society. Indeed, one would imagine that any attempt to control the advocacy of human rights is the antithesis of what is expected of a democracy. While there is room for disagreement on the scope of human rights, a democratic society should embrace open and robust debate on all matters of significance, human rights being one of them.

The proposed NGO legislation also makes provision for the declaration of all foreign funding. It is difficult to see how the requirement for disclosure can be justified under any of the enumerated grounds. If freedom of association exists, and the objects of the association are lawful, it is of no concern to anyone who is funding the association. There is nothing sinister or subversive in the promotion of human rights or good governance.

The NGO world is a big industry and the possibilities it holds for scams and incompetence are enormous. It would be reasonable to attempt to ensure that donors’ money ends up where it is intended to go, that bodies representing themselves as existing for charitable purposes actually carry them out, that money is not wasted on administration, unnecessary and frivolous travel, and so on. All of this can be done without interfering with two important constitutional rights, those of freedom of expression and of association.

It is thus constitutional to provide that NGOs be registered, and it would follow that it would be constitutional to provide for some mechanism for registration, and a person or board to supervise the process. However, there is no restriction in the constitution on the purposes for which an association may be formed. The only limitations that may be imposed under any law are those interests of defence, public safety, public order, public morality or public health. (These are similar to the permissible restrictions on freedom of expression.) To the extent that the new NGO legislation exceeds these constitutionally permissible parameters it is ultra vires the constitution of Zimbabwe. There is thus ample room to challenge the new legislation or some of its provisions on the basis that it is patently unconstitutional.

**Conclusion**

The political players in Zimbabwe have a daunting task if they hope to resolve Zimbabwe’s multi-layered crisis. The situation on the ground, viewed objectively, suggests that if the crisis is not resolved, the following consequences are to be expected.

- The crisis will deepen and all the problems highlighted above will be exacerbated.
- There will be a further decline in the national economy and in the GDP.
- Key national institutions and sectors - in particular education, health, tourism and agriculture - will collapse, leading to further cycles of poverty. This will have a contagion effect on the entire Southern African Development Community (SADC) region.
Existing socio-economic problems such as poverty, the HIV/AIDS infection rate and the number of deaths resulting from that disease will extrapolate. The latest United Nations Economic Commission for Africa (UNECA) figures show a severe decline in the social indicators measured by the Human Development Index (HDI).

The rights and welfare of women and other vulnerable groups (over 80 per cent of the population are now living below the poverty datum line) will deteriorate further.

There will be a lasting reversal of the gains made by the country in the first ten years after independence. This will also taint the image and achievements of the liberation movements.

The deep psychological scarring and emotional trauma suffered by poor and marginalised people in particular will become more difficult to heal.

The possibility of civil strife breaking out will increase.

Regional implications

The Southern African Development Community (SADC) region cannot wish the Zimbabwean question away; nor can it afford to ignore it.

The Zimbabwean crisis is already affecting the region. No country in Southern Africa is untouched by it. Some of these states are tightening their immigration laws and policies to deal with the ever-growing numbers of Zimbabwean economic and political refugees.

Notwithstanding the benefits that have accrued to some countries in the region through replacing Zimbabwe's market share in the European Union (EU) and the international markets, the interdependent nature of the regional economies means that Southern Africa's economic welfare is being undermined by the persistence of the Zimbabwe crisis.

The continued prevarication by some regional leaders over supporting the process of political transition in Zimbabwe jeopardises the current and future economic and political prospects of Southern African Development Community (SADC), the AU, and NEPAD. More generally, it impinges on the welfare of the peoples of the region.

Zimbabwe is caught in a destructive political impasse that will require decisive intervention by the sub-region beyond the Guidelines and Principles on Free and Fair Elections.

Creating an enabling environment

To create a future environment conducive to holding credible, legitimate, free and fair elections and avoiding similar controversy to that surrounding the March 2005 parliamentary poll, the following conditions have to be fulfilled:

- The youth militia should be disbanded.
- The partisan distribution of food should be stopped.
- All arbitrary arrests, intimidation, and subjective prosecution of members of the opposition and civil society activists should cease.
- Activists from civil society and opposition political parties should be released, and unjustified political prosecutions of such persons withdrawn.
- Repressive laws, in particular Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA), Non-Governmental Organisations Act (NGOA) and the Broadcasting Services Act should be repealed or suspended.
- Equal access to the mass electronic media should be allowed to all political players.

These preconditions represent the immediate expectations of Zimbabwean civil society. They should be put in place through a memorandum of agreement endorsed by all stakeholders. This would give Zimbabwe the opportunity to live down its rogue state image and become a better version of itself. But such a move would take great political will, commitment and leadership. The effort to turn Zimbabwe around and transform its politics from the
uncivil politics of grudge and hate into a more democratic model will require encouragement and solidarity from the Southern African Development Community (SADC) and AU governments and from civil society throughout Africa.

Notes

1 Adapted from Victor De Waal (1990) the politics of reconciliation, Africa World Press, Trenton. Speech by Prime Minister Robert Gabriel Mugabe, addressing the Assembly of the Organisation of African Unity in Freetown, Sierra Leone, on 22 July 1980.
2 Ibid, p.46.
3 Mugabe, ibid.
5 The crisis of legitimacy extends to the presidency of Mr. Mugabe, his government’s actions and policies. It brings into serious dispute the regional political leadership’s commitment to democracy and political pluralism.
7 For instance an junior minister in the president Mugabe’s office boasted on the main news on ZTV on 30 July 2004, that “we have successfully defended our régime”. The justification peddled for the enactment of Rhodesian/Apartheid-type laws is the claim that Zimbabwe is under siege from imperial forces and their stipendiary in civil society and the opposition. In a sense it is suggested that repression, injustice and denial of freedom are acceptable defenses against the siege factor. That therefore, the motivation on the part of government is purely to protect Zimbabwean citizens as opposed to safeguarding the power fortunes of the regime.
8 There has been a desperate attempt after the corruption-riddled land reform exercise to create a new justification for subverting democratisation projects. The government has conveniently hinged its defense on a narrow construction of sovereignty and pan-Africanism that dismisses the discourse of human rights as a privilege that government is entitled to confer or withdraw.
9 The African Commission on Human and Peoples Rights (ACHPR) sent a fact-finding mission to Zimbabwe, which established that there are numerous violations of fundamental rights by the Zimbabwean government.
10 The ideal of developing solely on African resources is one to be cherished. But rhetoric must meet reality. Zimbabwe currently does not have sufficient resources to meet the social needs of her citizens. Whilst political elites can posture and pontificate about grand political theorems, the masses need primary health care; basic social services and freedom to live and earn a living.
Introduction

Struggles over access to resources historically have constituted the stuff of politics, and continue to do so in modern societies. In Southern Africa, one of the most profound causes of such struggles has related to the ownership and control of land. This question assumed its most acute form in former settler-colonies, and it was in one of them, Zimbabwe, that contestation over land took its sharpest form between 2000 and 2003.

The ‘old’ and ‘new’ land questions

In Southern Africa, the historical ‘land question’ centred on the forms and consequences of unjust expropriation of land by colonial states. In most instances, the best-endowed land was owned and occupied by white farmers, while some of the indigenous people who had previously lived on it were evicted and assigned inferior land. The patterns of land allocation under colonial rule were thus defined in terms of conquest. Zimbabwe was no exception to this pattern. For instance, under the Land Apportionment Act of 1930, some 51 per cent of land was reserved for white settlers (who numbered about 50,000), 30 per cent for African reserve areas (for about 1 million blacks), and the remainder for commercial companies and the colonial government. When what was then Rhodesia, gained independence in 1980,
the pattern of land ownership was as follows. Some 6,000 white farmers owned 15.5 million hectares; 8,500 black farmers operating on a small scale held about 1.4 million hectares; and approximately 4.5 million communal farmers eked out subsistence livelihoods on 16.4 million hectares. Most of the communal land was located in the drier ecological regions where the soils were poor.2

Against this background, the principal elements of the land question were focused on historical injustice and inequity. Inevitably, the demands of the colonised and dispossessed revolved around redress in the form of land redistribution, and fairness in the form of equitable access to sufficient resources to make the land productive. These demands continued to be made after independence, because the pace of land reform was slow. The focus on the land question was thus narrowed to recovery of land from white commercial farmers, for redistribution amongst communal farmers who were landless or lacked sufficient land, and to a smaller extent to unemployed farm workers. Promoting access to land for the majority of the indigenous people was expected to create stability in land property rights.3

For the first decade of independence, the land question thus revolved around how funds could be mobilised to purchase farms for the resettlement programme. Much of the academic and policy discussion related to the effect of the Lancaster House constitutional constraints on land redistribution, especially in the form of the ‘willing seller, willing buyer’ principle, and the amount of British funding provided for resettlement.4 The narrative and debate arising from writing on these matters will not be reviewed here. The observation may be made, however, that this narrow perspective on the land question (that is, an exclusive focus on resettlement of farmers operating on a small scale through the ‘willing seller, willing buyer’ approach) was inadequate to respond to other, growing, pressures for reform. These included the black bourgeoisie’s aspirations to own land; pressure for tenure reform; and the imperative to link land reform to a broad development strategy. More generally, the desire for historical redress through restitution continued unabated.

Against the background of economic structural adjustment in the 1990s, and the economic hardships associated with it, the pressure to broaden the ambit of the land question (and the means of its resolution) intensified. This took political form in the demands increasingly made by the war veterans and the black economic empowerment groups. The backlog on resettlement also remained considerable. About 90,000 of a projected total of 162,000 remained to be resettled, although funding for this purpose had more or less dried up.

In the 1990s there was a discernible shift in how the land question was interpreted. In an attempt to redesign its land policy, the Zimbabwe government indicated that the promotion of ‘emergent large-scale black farmers’ would form part of its thrust to address the land question. There were some 500 such farmers in the mid-1990s, and perhaps about 800 (compared with 4,500 white farmers) by the end of the 1990s. There was clearly a growing number of blacks who aspired to become members of a new agrarian middle class and who supported the type of land reform that would release resources to them. Another new element was an emphasis on land tenure reform. In general, land redistribution was expected to enable the country to attain both self-sufficiency in domestic food production and a balance between equity, productivity and sustainability.5 As can be seen, the parameters of the land question were being significantly extended in the last decade of the 20th century.

The fast-track reform programme (FTRP) that began in 2000 was the catalyst for what became a new land question. The programme entailed a comprehensive redistribution of land that was accomplished with considerable chaos, disorder and violence. As about 11 million hectares changing hands within a three-year period, it was the largest property transfer ever to occur in the region in peacetime.6 The new elements it introduced to the land question arose from several factors.

First, there was a replacement of nearly 4,000 white farmers whose land had been transferred by the state to 7,200 black commercial farmers and 127,000 black recipients of small
farms by October 2003. The stage was thus set for a new large-scale farming class under the A2 model and a household-based small-scale farming class under the A1 model. A1 and A2 are models for land reform introduced during the fast track land reform programme that was instituted in the year 2000. A completely new set of social relations were to emerge as a consequence. In due course, there would be struggles and conflicts over ownership of this newly acquired land.

Second, there was massive displacement of farm workers as an accompaniment to the eviction of white farmers. The fate of the approximately 200,000 farm workers was to constitute yet another element of the new land question. Disputes over land and housing rights were to develop between these displaced workers and the new farming classes.

Third, the resumption of production on the newly acquired farms would pose a challenge whose outcome would reinforce or undermine the case for fast track reform. The collapse of the levels of productivity is probably the most important issue the FTRP programme has raised. The link between agriculture and other industries, and the challenge of resuscitating the communal areas are two further questions that need to be considered.

The outcomes of the fast-track programme

A considerable amount of literature on how the FTRP was implemented between 2000 and 2003 already exists; its scope ranges from commissioned official reports to early independent analytical assessments. In addition, there are interesting blow-by-blow accounts of the process by some of farmers who were affected. There are also useful evaluative accounts that cover the later stages of the FTRP. There is therefore little need to revisit the narrative on the programme except where it contributes to the argument of this article.

To put it schematically, the first phase of the reform process, the onset of the ‘land occupations’, started soon after the referendum on the government-sponsored constitution in February 2000 and continued in the build-up to the June 2000 general elections. In this phase there were no officially defined targets or any clear direction to the occupations. The elements of orchestration, coercion and violence created a concoction of disorder and lawlessness that was ill suited to a reform process. There was considerable tension between the executive and judiciary branches of the state over the undermining of the rule of law during the land occupations. In the two years that followed some judges were forced to resign because of a restructuring of the judiciary. This process resulted in the appointment of judges who were more sympathetic to the government’s position on land.

In the period between July 2000 and the end of 2002 violence and lawlessness continued to disrupt production and undermine human security. From July 2000 onwards, the government defined the parameters of the land distribution process (also termed *jambanja*) more clearly. It was to be implemented at an accelerated pace through a fast-track programme, under the provisions of which 1 million hectares would initially be acquired to resettle 30,000 households. Thereafter another 4 million hectares would be expropriated to accommodate about 120,000 households within three years.

However, the target of the programme soon grew exponentially: from 5 million hectares to 9 million, and then to 11 million in the following two years. It was now envisaged that altogether 300,000 households and 51,000 black commercial farmers would receive land under the A1 and the A2 models respectively. In reality, however, only about 127,000 households and 7,200 commercial farmers had been allocated land by mid-2003.

Although the government announced that the programme would be complete by August 2002, this was not to be. Land occupations continued until mid-2003, and then on a diminished scale in 2004. Although the government began to instil some order and regulation into the fast-track process from mid-2003, intermittent occupations of farms and evictions of farmers continued, even into 2005. This last phase of the process included the ‘land grab’ by the black elite, in contravention of the government’s ‘one person, one farm’ policy. There was considerable resistance to this policy.
Conflicts between the new commercial farmers and settlers on small farms also broke out from time to time during this phase.\textsuperscript{10}

Against the background of this controversial and turbulent land reform process the author attempts to assess its outcome in terms of land ownership, production patterns and emerging social relations.

Clearly, the land transfers resulting from the occupations were substantial. As was observed above, this was the largest change in ownership of property in the region, and it happened extremely rapidly. Ninety per cent of the 4,500 white commercial farmers were evicted from their land under new land legislation. Very few of them had received compensation at the time of writing. While some began to farm in Mozambique, Malawi, Zambia and Nigeria, most of them have stayed on in Zimbabwean cities and towns. Meanwhile, as already noted, under the A1 model an estimated 127,000 farmer households were allocated small parcels of land that amounted to 4.23 million hectares. Some 7,200 black commercial farmers received 2.19 million hectares under the A2 model.\textsuperscript{11} As Tables 1 and 2 show, the extent of land redistribution has been quite significant by any standard. By July 2003, the amount of

\begin{table}[h]
\begin{center}
\begin{tabular}{|l|c|c|}
\hline
\textbf{Category} & \textbf{Area (million ha)} & \textbf{\%} \\
\hline
Large-scale commercial & 11.8 & 30 \\
Small-scale commercial & 1.4 & 4 \\
Communal area & 16.4 & 41 \\
Resettlement area & 3.7 & 9 \\
National and urban parks & 6.0 & 15 \\
State land & 0.3 & 1 \\
\hline
\textbf{Total} & \textbf{39.6} & \textbf{100} \\
\hline
\end{tabular}
\caption{Land distribution prior to the FTRP, 2000}
\label{tab:land_distribution_prior}
\end{center}
\end{table}

\begin{table}[h]
\begin{center}
\begin{tabular}{|l|c|c|}
\hline
\textbf{Category} & \textbf{Area (million ha)} & \textbf{\%} \\
\hline
A1 & 4.2 & 11 \\
A2 & 2.2 & 4 \\
Old resettlement area & 3.7 & 9 \\
Communal area & 16.4 & 41 \\
Large-scale commercial & 2.6 & 6 \\
Small-scale commercial & 1.4 & 4 \\
National and urban parks & 6.0 & 15 \\
State land & 0.3 & 1 \\
Other & 2.8 & 7 \\
\hline
\textbf{Total} & \textbf{39.6} & \textbf{100} \\
\hline
\end{tabular}
\caption{Land ownership patterns after the FTRP, 2003}
\label{tab:land_ownership_after}
\end{center}
\end{table}
land used for large-scale commercial farming had shrunk to 2.6 million hectares, from 11.8 million in 1999.

In sum, the FTRP involved a very radical and wholesale transfer of land from one class of owners to a new class of black farmers, whether their new land holdings were small or large. To that extent, land-ownership patterns underwent a massive change.

What alteration was there in production patterns under the FTRP? To what extent has the allocated land been utilised for production of both food and industrial crops?

A distinctive trend in most agricultural production since redistribution has been a decline in output over the past four years, although there have been one or two exceptions. For example, maize production declined from an average annual output of about 1.7 million tonnes in the mid-1990s to between 0.9 million and 1 million tonnes in 2000-2004. Between 2001-2002 and the present, the country has needed to import maize to meet its population’s nutritional requirements. From being a regional breadbasket, Zimbabwe has become a food importer. Similarly, wheat production has fallen by about 20 per cent from the average annual output in the mid-1990s. Declines in the production of soya beans and groundnuts have also been reported. In industrial crops, from an average annual output of about 200 million kilograms, tobacco production plummeted to

Table 3 Allocation patterns and take-up rates per province

<table>
<thead>
<tr>
<th>Province</th>
<th>Model A1 (ha)</th>
<th>Model A2 (ha)</th>
<th>Number of HH* beneficiaries</th>
<th>Take-up rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>A1</td>
<td>A2</td>
</tr>
<tr>
<td>Midlands</td>
<td>513,672</td>
<td>181,966</td>
<td>16,619</td>
<td>229</td>
</tr>
<tr>
<td>Masvingo</td>
<td>686,612</td>
<td>753,300</td>
<td>22,670</td>
<td>773</td>
</tr>
<tr>
<td>Manicaland</td>
<td>195,644</td>
<td>77,533</td>
<td>11,019</td>
<td>463</td>
</tr>
<tr>
<td>Matabeleland South</td>
<td>683,140</td>
<td>191,697</td>
<td>8,923</td>
<td>271</td>
</tr>
<tr>
<td>Matabeleland North</td>
<td>543,793</td>
<td>142,519</td>
<td>9,901</td>
<td>191</td>
</tr>
<tr>
<td>Mashonaland East</td>
<td>302,511</td>
<td>250,930</td>
<td>16,702</td>
<td>1,646</td>
</tr>
<tr>
<td>Mashonaland West</td>
<td>792,511</td>
<td>369,995</td>
<td>27,052</td>
<td>2,003</td>
</tr>
<tr>
<td>Mashonaland Central</td>
<td>513,195</td>
<td>230,874</td>
<td>14,756</td>
<td>1,684</td>
</tr>
<tr>
<td>Total</td>
<td>4,231,080</td>
<td>2,198,814</td>
<td>127,192</td>
<td>7,260</td>
</tr>
</tbody>
</table>

**HH = households
Source: Utete Report, 2003

Furthermore, a new land law stipulated maximum sizes for farms per agro-ecological region. Although these sizes have not always been fully adhered to, these were as follows.

Table 4 Natural regions and maximum farm sizes

<table>
<thead>
<tr>
<th>Natural region</th>
<th>Maximum farm size (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>250</td>
</tr>
<tr>
<td>2a</td>
<td>350</td>
</tr>
<tr>
<td>2b</td>
<td>400</td>
</tr>
<tr>
<td>3</td>
<td>500</td>
</tr>
<tr>
<td>4</td>
<td>1,500</td>
</tr>
<tr>
<td>5</td>
<td>2,000</td>
</tr>
</tbody>
</table>

**HH = households
Source: Utete Report, 2003
65 million in 2003-2004.\textsuperscript{13} There was also a smaller drop (of about 10 per cent) in the cotton output of both large-scale and small-scale farmers during this period.\textsuperscript{14} Significantly, the production of sugar, tea and coffee has generally remained steady since the beginning of land reform in 2000. Finally, there appear to have been small increases in the production of paprika, citrus and vegetables between 2000 and 2004, as well as in floriculture.\textsuperscript{15}

This overview of production trends provides a much more mixed picture than is often painted of the impact of the land reform programme on agricultural production. While there has been a collapse in some sub-sectors, not all of them have suffered big declines, despite the chaos that accompanied the implementation of the reform. This phenomenon needs to be explained. The drop in maize and tobacco yields is partly because of contraction in the numbers of white commercial farmers engaged in growing these crops. Also, their intensive farming methods, which were aided by irrigation, have not yet been replicated on black farms, whether large or small. Few of the new farmers have the financial resources and technical skills required to cultivate tobacco and maize with equal success. This is not the case with cotton production, because small farmers produced the bulk of the crop even before the reform process began. In consequence, yields of cotton have been only marginally affected under the FTRP. Accurate production figures for horticulture are not easily accessible, so little can be said about that aspect of agriculture.

The explanation for the sustained levels in the production of sugar, tea and coffee is that these crops fall mainly under the domain of large corporate plantations. Although some of their land has been listed for state appropriation, the day-to-day operations of these plantations have been very little affected by land reform.

It would appear that the productivity levels of farmers who are active on a small scale are still relatively low. These levels may be compared with those of white commercial farmers recorded in 2001. The yield per hectare for the following crops grown by resettled people with small farms in 2003 is shown in Table 5.

Clearly there is a huge difference between the productivity levels of the white farmers operating on a large scale, who have now largely been expelled from the farms, and those of the resettled farmers who are working smaller farms. The comparison cannot be extended to include the productivity of the resettled 7,200 black farmers operating on larger-scale farms, because the information was not available to the author at the time of writing. However, the production levels of the new owners of large farms are likely to be a fraction of those achieved by the evicted white farmers. In sum, the land that was taken now produces much lower yields per cultivated hectare. The larger number of new farmers (occupying 130,000 small-scale and 7,200 commercial farms, as previously stated) has not made an immediate positive impact on production levels. Lack of skills, experience and financial resources hamper the productivity of new farmers. It is likely to take many years before the productivity levels achieved by the white commercial farms can be attained.

Another significant outcome of the FTRP is

<table>
<thead>
<tr>
<th>Product</th>
<th>Small resettled farms in 2003 (kg per ha)</th>
<th>Large commercial farms in 2001 (kg per ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maize</td>
<td>596</td>
<td>4,809</td>
</tr>
<tr>
<td>Wheat</td>
<td>1,032</td>
<td>5,741</td>
</tr>
<tr>
<td>Flue-cured tobacco</td>
<td>888</td>
<td>2,811</td>
</tr>
<tr>
<td>Cotton</td>
<td>507</td>
<td>2,232</td>
</tr>
<tr>
<td>Soya beans</td>
<td>421</td>
<td>2,505</td>
</tr>
</tbody>
</table>

Source: Central Statistical office, 2002, 2004
an emerging rearrangement of social relationships in the agrarian sector, caused by the massive scale of land redistribution. Admittedly, given the short timeframe of five years, the present situation is still fluid. The predominant relationships before the resettlement programme began were those between the 4,500 white farmers and 320,000 black farm workers. These have now been replaced by relationships between the resettled farmers who have been allocated large and small farms and the remaining farm workers (estimated as numbering between 80,000 and 90,000) and 200,000 workers no longer employed on farms. By and large, the resettled farmers have been the primary beneficiaries of land reform; but this has tended to happen at the expense of the farm workers. It is ironic that the government authorities see the ‘success’ of reform as consisting in the creation of 127,000 small farms and 7,200 large ones, while apparently paying little attention to the 200,000 farm worker households that have been displaced by the process.

As observed elsewhere, the relationship between the occupiers who wish to become farmers and the farm workers was uneasy during the ‘land grab’ between 2000 and 2003. Farm workers were viewed as standing between the aspirant farmers and their goal, which was seizing ownership from the white commercial farmers who employed the workers. In some instances, clashes between the two groups occurred. The occupiers had a vested interest in disrupting production on farms so that the white commercial farmers would leave, or share their farms with them through subdivision. During the occupations, therefore, they viewed the farm workers as representing a buffer between the white farmers and themselves. At the same time, the farm workers were hostages to the situation: they might have wished to stake a claim on land, but they could not agitate for it openly except through their union, the General and Agricultural Plantation Workers Union (GAPWUZ). However, some farm workers did join in the occupations, although not on the farms on which they were employed. For most farm workers, however, this was not the preferred option. They hoped to retain their jobs, or to be provided with land for resettlement in their own right.

Those farm workers who have continued to live on the farms find themselves coexisting in an unequal relationship with the resettled farmers. They provide labour to the new class of landowners, particularly black commercial farmers in the A2 category. In the course of one survey, it was observed that “the new farmer looks down on ex-farm workers. These workers are not, in any way, getting paid better than before”. On some of the farms, the compounds that originally housed farm workers were appropriated by the landowners and the workers expelled. On others, the new farmers torched the houses of farm workers in a bid to evict them en masse. Where the workers were not evicted, the number of jobs declined significantly because of a downsizing of operations. This forced workers to use their compound houses as dormitories while they went searching for employment from farm to farm. The picture of the farm worker class that is emerging is therefore characterised by such descriptions as ‘itinerant’, ‘poor’, and consequently ‘unstable’.

This perception is reinforced by a recent survey of living conditions of former farm workers in the Mazoe farming district in Mashonaland Central province. The survey offered five key findings. First, it was found that farm workers’ rights to housing on the farms were threatened by the new farmers. Their insecurity was compounded by a lack of government policy on the situation of former farm workers who continued to live on the farms where they had been employed. The authors observed that apart from the threat of eviction, these people were denied access to essential services such as water and electricity if they failed to comply with the dictates of the new owners. Instances of verbal, physical and sexual abuse of farm workers were reported.

Second, for those farm workers who were given employment, jobs were offered mostly on a contract, casual or piecework (maricho) basis. Moreover, underpayment was widespread; and some farm workers had had to go for several months without pay. It was scarcely surprising that the new farmers were experiencing a labour shortage. In contrast, the survey found that the few remaining farms under the management of white producers offered better working conditions for farm labourers
in terms of wage levels, leaf conditions, accommodation and other incentives. Third, relations between farm workers and the new farmers were still characterised by mutual distrust. This contrasted with the situation on the ‘old’ and the remaining white-owned farms, where relations were generally good.

Fourth, those who were employed on the new farms and those that had lost their jobs were all in a vulnerable situation that forced them to supplement their incomes through fishing, petty trading, theft and prostitution.22

Finally, other types of relationships besides those between the new farmers and workers may yet evolve. Besides providing wage-labour, some farm workers may become new tenants or sharecroppers, especially on underutilised farms. Some resettled farmers may find it necessary to supplement their crop incomes through sub-contracting their labourers to more productive farms that are short of workers.

Relations between the owners of small-scale and large-scale farms have been marked on occasion by mistrust and tension. The eviction of smallholders in 2004 and early 2005 from large farms points to a continuation of conflicts over access to land. (The main reason that was given for the evictions, especially in the three Mashonaland provinces, was that the small farms were on land that had originally been designated as belonging to the A2 model.)

This type of inconsistency is also shown by the instances in which political influence was used to gain access to prime land. The problem of multiple farm ownership by prominent political figures, in contravention of the ‘one person, one farm’ policy, remains unresolved. Clearly, the Zimbabwe government has been indecisive in its handling of an avaricious but powerful section of the new black landed elite, which includes ministers, parliamentarians, army and police chiefs, and senior civil servants. After five separate audits of land ownership, the government has offered no satisfactory answer to the question of multiple farm ownership. This problem is likely to provide the basis for land-based conflicts in the future.

To illustrate the point that the land redistribution issue has not been solved once and for all, the government has stated that 249,000 people remain on the waiting list for A1 model and 99,000 for A2 model land.23 If this information is correct, then well under half of those who have applied for land have received it. The problem of land shortage will therefore persist.

**The debate over fast-track reform**

Surprisingly, perhaps, until recently there has been no major analytical debate over land and agrarian reform in Zimbabwe. Somehow the dominant position has been that it was not a question of whether there should be reform, because the need for it was widely accepted across the political and social spectrums. Even the Commercial Farmers’ Union (CFU) recognised and accepted the need for reform, as did the donors from the international community. The only contentious issues concerned the mode, scope and pace of implementation of the reform. In retrospect, it is amazing that, in spite of general recognition of the need for large-scale land redistribution, the issue should have become so polarised in 2000 that the FTRP should have been adopted in an atmosphere of extreme disorder and violence.

It was the mode of implementation of the FTRP that sparked an interesting, if narrow, debate among some scholars. One of the main contributions was by a researcher who has written extensively on post-independence agrarian issues in the country.24 Sam Moyo made several observations and assertions regarding the land occupations that sparked the FTRP. First, he noted that by the early 1990s a political and social vacuum existed in what has been termed the leadership of the land reform agenda. However, while civil society groups failed to rise to the challenge, the war veterans were able to do so in 1997. Second, the land occupations themselves should have been viewed as a mobilisation process towards “expanding the social constituency of land occupiers and creating political legitimacy for the formalisation of compulsory land acquisition”.25 Third, while Moyo conceded that the widespread occurrence of violence was a negative feature of the land occupations, he argued that its scale had been exaggerated. He added that the violence had not been a contributing factor to maintaining the hold of the ruling ZANU-PF
party over the rural electorate. Fourth, whatever negative consequences had resulted from the occupations, Moyo predicted that they would be of relatively short duration when set against the long-term benefits of “assuaging historical grievances and addressing a problem that has been neglected for 20 years by a model of reconciliation which did not include justice or reparation.” In an argument supporting the ends justifying the means, he contended that the authoritarianism that accompanied the FTRP might later yield “a framework for democratisation”. Finally, he argued that land transfer would make the agricultural sector more efficient, because many more people would be engaged in producing for the economy. More generally, land distribution would increase the possibility of participation in the economy for a wider range of people, rural and urban, whether they belonged to the poor or the middle classes.

The analytical responses to Moyo’s arguments defending the FTRP have focused on the issues of violence and the productivity potential of the new farmers. It is difficult to understand his equivocations over the scale and effects of the violence that accompanied the reform programme. His assertion that violence was not used as a political tool in the elections in 2000 and 2002 is not credible in the light of events. This is why scholars have expressed concern that Moyo’s position regards state-sponsored political violence and other perversions of democratic practice as epiphenomenal, or secondary to the issue of radically restructuring the economy. Similarly, Moyo’s dismissive attitude to the fate of farm workers under land reform is worrying, especially in view of his own previous work on the workers and the empathy he displayed towards them in the past. While liberal democracy and neo-liberalism have clear limitations in the context of equity and redistribution, authoritarian nationalism of the kind asserted in Zimbabwe during this period was a dangerous development, because it could open the way to corrupt, abusive and exclusionary practices in the implementation of land reform.

Another analyst has observed that while there has been a ‘retro’ revolution in land redistribution, it is nevertheless ‘a genuine revolution’. Chitiyo is aware that there are strong rationalist arguments that the revolution was ‘chaotic’ and ‘unsustainable’ and that, far from being a developmental project to promote poverty alleviation, it was essentially a political gimmick that was likely to result in the destruction of the national economy. However, he offers a counter-position: that the revolution was essentially one of agrarian empowerment, not agrarian rationalism, and as such could be termed successful. In sum, this position acknowledges the central role played by violence in the land reform process:

This analysis appears to provide a more convincing explanation of the events attendant on the implementation of the FTRP than those that seek to minimise or sanitise the high levels of violence and chaos.

Finally, it is still debatable whether the division of large farms into many small ones will contribute to higher productivity. It has been argued that such a claim is historically contentious. The binary opposition that marks the debate over an inverse relationship between farm size and productivity, and between small and large farms as paths towards development, should be treated with some scepticism. As Bernstein argues:

[In the Southern African context, it cannot be assumed that or simply asserted - as it often is on behalf of redistributive land reform - that land in large agrarian properties is generally (in empirical terms) or necessarily (on deductive grounds) ‘underutilised’ or otherwise socially ‘inefficient’.]

Earlier in this article, wide differentials in yields
and productivity on large and small farms after land reform were demonstrated. These statistics undermine the uncritical assumption that small farms are necessarily superior in productivity to large ones.

Conclusion: Towards the future

This article has described the trajectory taken by, and the limitations of, the FTRP. Five years after it was launched, the weaknesses and gaps in the programme remain glaring. However, it is now becoming possible to make a sober review of the programme, free of the heated emotions and flamboyant rhetoric that were unleashed to generate support for it at the time. In the author’s view, at least ten sets of issues will need to be addressed, as a matter of urgency, to redress the current shortcomings of the programme. Successful implementation of the recommended measures will depend on a return to political normality, legitimacy and the rule of law by the government.

Legal transfer of land

The continued uncertainty over the legal status of land that has been seized by the state and transferred to individual settler producers under the A1 and A2 models undermines confidence in the land reform process. Delays in the legal transfer of the land affect the resettled, the displaced and the remaining white commercial farmers. This is likely to have a detrimental effect on productive use of the land. There are as yet no clear mechanisms to ensure security of tenure for farmers under either the A1 or the A2 models. Unless clarity is reached on this issue, the new farmers may not be prepared to make substantial investments in their properties and production capacities. The granting of clearly defined land rights and responsibilities would unlock the value of their land, and enable it to be used as collateral for loans that would allow new farmers to develop their land to its full productive potential. The Presidential Land Review Committee has acknowledged that the absence of some form of title for A2 model land was one reason for the low take-up rate, because the resettled farmers could not secure loans from financial institutions owing to the mandatory requirement that they produce collateral support in one form or another. Uncertainty persists over what form of tenure security will be offered: 99-year leases are one option.

An explicit land policy

Astonishingly, in spite of the comprehensive reach of the FTRP, there is no clearly articulated government land policy. Instead the government’s actions on land reform and related issues have been characterised by ad hoc and unsystematic interventions. These do not amount to a coherent land policy. Any discussion of matters such as the distribution of land, the allocation of areas for specific land use, land tenure and ownership, and use of the environment should be guided by a fully detailed and ratified national land policy. Such a policy should be debated in appropriate forums before being finalised and adopted. In the meantime, the existing policy documents on land do not anticipate the reach, depth and accelerated pace that characterised the way in which the FTRP was carried out.

Payment of compensation

The issue of payment of compensation to large-scale commercial farmers whose land and equipment were seized has not been addressed systematically. While a small proportion may have received compensation, most have not. Concerns over compensation are in many ways concerns about justice. It has been observed that some donors and other members of the international community may not be prepared to support the land reform process in Zimbabwe financially unless fair compensation is seen to be made to those farmers who were evicted from their land.

At the very least, compensation should be awarded for improvements that the evicted farmers made to the land and for property seized or damaged during the farm occupations. Compensation levels need not be excessive, according to some analysts. Meanwhile, the Utete Report recommends that A2 model
farmers pay for all improvements made by the previous farm owners, such as housing, irrigation facilities, tobacco barns and other infrastructure. They should also pay for standing crops at the time of the transfer of land. If this were to happen, it would lighten the burden on the government to some extent. It would also resuscitate the goodwill of the international community.

Rebuilding skills

Skill levels (which are essential if productivity is to rise) are relatively low on most resettled farms, as was observed in a previous section. Clearly, a significant number of resettled farmers do not have adequate farming skills. Extension support has not been provided for the large new class of growers. The more intensive production processes require skills that government extension services are ill equipped to provide at present. Some organisations have suggested that a programme should be introduced to recover a major portion of the skills that have been displaced by the FTRP. For example, they propose that a package of incentives should be offered to persuade displaced farmers and former farm workers who possess farming experience and skills to move back into agriculture. Such a package would combine a restitution of property rights, and the offering of soft loans and grants. It would also offer opportunities to former farm workers that would improve the productivity levels of commercial agriculture.

Rebuilding infrastructure and services

The infrastructure that is urgently needed in the agricultural areas includes roads, bridges, irrigation facilities, livestock dipping tanks and marketing depots. In addition, the new farmer households need schools, clinics and housing. Currently, much of the existing infrastructure is woefully inadequate or in a dilapidated state. There is also a pressing demand for credit and inputs such as seed and fertiliser. A major weakness in the land reform process has been the inadequate provision of these essential requirements for new farmers, which has led to the current low production levels. The challenge of building an adequate input supply chain should be addressed as a matter of urgency. However, the manufacture and distribution chain for farming necessities must be sustained by a financial structure that affords credit facilities to all farmers. The current system appears to favour the interests of large commercial farmers; it has not been sufficiently responsive to the needs of farmers resettled on small properties. The founding of an agricultural bank would go some way towards meeting these needs. Even so, such a bank would have to make a special effort to cater for those operating on small farms.

There is consensus among analysts that greater competition should be encouraged in the input supply sector, especially for tillage, seed and fertiliser distribution. At present, parastatals such as the District Development Fund (DDF), the Agricultural and Rural Development Authority (ARDA) and the Grain Marketing Board (GMB) dominate the market. The ministries responsible for land and agricultural affairs should consider reviving the input procurement and distribution stakeholder committee, which once played a major role in forecasting and monitoring the availability of various inputs, and in recommending pricing, import and procurement measures. Finally, a United Nations Development Programme study has recommended the setting up of an independent trust fund that would provide resources for the resettlement process including basic infrastructure, equipment, tools, training for capacity-building and technical assistance.

Food security

The land reform process has contributed to the undermining of food security in Zimbabwe. Although drought conditions in 2001-2002 were a factor in the reduction of the grain harvests, the FTRP was largely responsible for destabilising food production, especially in the large-scale commercial farming sector. By 2003, that sector was producing only 10 per cent of the amount of maize that it did in 2000. As a consequence about 50 per cent of the population depended on food aid between 2002 and 2003. In 2004-2005, this figure dropped to about a third of the population. It is imperative
that the government introduce measures and incentives that will restore food production. Only by adopting a more realistic approach and providing pragmatic support to food producers can the government achieve food security for the country’s inhabitants and make Zimbabwe not only self-sufficient but a food exporter once more. The government will have to overcome its ‘denial syndrome’ over the food question if it is to accomplish this. It will have to abandon wishful thinking and propaganda, such as its claims that it was anticipating a harvest of 2.4 million tonnes of maize in 2004.

The issues of productivity, relatively easy and rapid access to credit, and inputs for the owners of large and small farms should be addressed in relation to food security. Pricing incentives could have a vital role to play in encouraging growth in the number and effectiveness of food producers. Furthermore, the country must build strategic grain reserves.

**Mediation and participation**

Earlier in this article, an allusion was made to the growing number of land-based disputes and conflicts between the owners of large and small farms, and between farmers and farm workers. These disputes could undermine the land reform programme. Therefore, the African Institute for Agrarian Studies has recommended that urgent steps should be taken to establish dispute resolutions institutions. This would require certain preconditions. First, the capacity of the Administration Courts to handle wide-ranging land disputes and conflicting claims to ownership must be strengthened. Second, a new, democratised village and district court system that works with, but is independent of, local government, traditional leadership structures and land administration committees would be required.

In the same vein, mediation structures should be established at local level. These would involve representatives of all the interested parties. Such a structure could adjudicate conflicts and serve as a non-partisan forum for regular consultation on matters of mutual interest, for example access to water and other natural resources, the provision of social services, and various means of earning a livelihood from the land. As far as possible, local committees should work out the format and scope of these forums. The latter are recommended as a means to open dialogues on various policy, legislative and administrative matters, and to make negotiations between government and key stakeholders possible.

**Farm workers**

The plight of the approximately 200,000 farm workers who lost their jobs as a result of the FTRP should be addressed more urgently than has been the case since 2000. Most live under extremely difficult conditions and some have become destitute. As observed earlier, farm workers who are jobless, landless and without homes in communal areas have tried various coping strategies. Piecework on the farms where they live is often temporary, insecure and badly paid. Some earn income from informal trading in agricultural produce and second-hand clothes, and in craft materials in local markets. These activities should be supported by the setting up of market stalls and depots for buying and selling their wares in nearby towns and communal areas. Assistance in developing distribution networks and services would boost the growth of small craft industries using local raw materials.

Female workers who are no longer employed on farms should be supported by helping them to start income-generating projects such as rearing poultry, sewing clothes and uniforms, baking and jam-making. The skills that farm workers have acquired in crop production, the use of agricultural machinery, the repair and maintenance of equipment and the use of agro-chemicals should not be wasted. As suggested above, a programme should be introduced to tap into their skills and use them effectively. There is a concomitant need to identify specialised skills among former farm workers and to initiate a programme of certification of such skills. The compilation of skills databases that are accessible to new farmers, whether their land allocations are large or small, could benefit both the farmers and the skilled workers. Finally, there is a strong case for providing land to those farm workers who have lost their jobs
and have no other means of earning a living.

**Comprehensive agrarian reform**

As this article has shown, the Zimbabwe government has adopted a piecemeal approach to the land question. The redistribution of land has not been integrated into a wider agrarian and development strategy. There is one other glaring weakness in the FTRP: in its quest to deal with the land question, the government did not address the critical issues of land use, agricultural production and land administration. However, there is growing realisation that certain conditions are essential to agricultural transformation including sustainable growth in productivity. Such growth is largely dependent on the successful development of key partnerships and alliances between government and private stakeholder groups; strong institutional arrangements; research and development; market linkages and improved human capacity.

Some analysts believe that agrarian upliftment should be tied to a vision of industrial transformation. The structural evolution of the economy requires that an increasing percentage of employment and contribution towards the gross domestic product (GDP) should come from industry rather than agriculture. Only as the engine of industrial growth gathers momentum will people migrate from the countryside to urban centres, reducing the pressure on natural resources and freeing up land for farmers who wish to expand their operations and incomes.

**An institutional framework for reform**

In order to implement the recommendations that have been outlined in this section, a new institutional framework must provide a structure that will oversee the land and agrarian reform process. Proposals for such a structure have suggested it be called a Land Commission or a National Land Board. One argument is that since the process relating to the FTRP is complex, highly centralised and opaque, a Land Commission should be established to simplify decision-making and to delegate more power to local authorities. The commission would be responsible for settler identification and placement, planning for infrastructure and services, monitoring and evaluation of the programme, and marketing and outreach services.

One of its immediate tasks would be to conduct a land audit that would focus on the current distribution of land ownership and the legal status of the acquisition process. In this way information on “how, when and which farmers lost their land and how, when and by whom the land was taken over” could be assembled.

The Zimbabwe government appointed a Land Board in late 2004 that had a much more restricted mandate than that described above. There is no broad representation of interested parties on the board, and it has little autonomy. There is therefore a need seriously to consider the concept of a Land Commission as outlined above. It would stand a stronger chance of earning legitimacy in the eyes of national stakeholders and the international community. This is a prerequisite for a much broader and more sustainable programme of agrarian reform in Zimbabwe.

**Notes**


10 See Lloyd M Sachikonye, Inheriting the earth, Catholic Institute for International Relations (CCHR), London, 2004; African Institute for Agrarian Studies (AIAS), Agricultural sector and agrarian development strategy, final draft, 2004 (mimeo); ICG, op cit.

11 Utete Report, op cit.


13 AIAS, op cit.


15 AIAS, op cit.


17 See ibid; FCTZ, op cit.

18 Interviews conducted by the author, October 2002.


20 Ibid.

21 Ibid.

22 Ibid.


25 Ibid.

26 Ibid.

27 Ibid.

28 Ibid.


33 Ibid.

34 Ibid.


36 Ibid.

37 AIAS, op cit.


39 Utete Report, op cit.

40 UNDP, op cit.

41 Utete Report, op cit.

42 ICG, op cit.

43 Utete Report, op cit.

44 AIAS, op cit.

45 Vision for Agriculture, op cit.

46 Utete Report, op cit.

47 UNDP, op cit.

48 AIAS, op cit.

49 Ibid.

50 Ibid.

51 Utete Report, op cit.


53 Maroleng, op cit.

54 Utete Report, op cit.

THE DYNASTIC SUCCESSION IN TOGO
Continental and regional implications
PAUL SIMON HANDY

SUDAN: ALL QUIET ON THE EASTERN FRONT?
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THE AFRICAN UNION MISSION IN SUDAN
Technical and operational dimensions
HENRI BOSHOFF

A PLACE TO CALL HOME?
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THE GACACA PROCESS
STEPHANIE WOLTERS

TRENDS & MARKERS
Some facts about Zimbabwe
Introduction

The presidential poll that took place in Togo on 24 April 2005 was certainly not a model of transparency. On the contrary, it consecrated a dynastic succession and deepened the societal divide in a country that has suffered 38 years of autocratic rule.

The role played by the Economic Community of West African States (ECOWAS) and the African Union (AU) in Togo has raised a series of questions which suggest the limitations of a wholly African management system for governments in peril. The poorly prepared monitoring of the elections in Togo by ECOWAS and its assessment of the poll as generally free and fair have somewhat undermined its credibility. Yet in other instances, most notably in conflict management, the organisation has proved its ability to intervene in a constructive way. In another sense, one could argue that an opportunity has been lost: since Togo is a small country, with limited strategic importance, the regional and sub-regional organisations could have made it an example of their determination to solve the kind of political crisis into which Togo was plunged. Similar situations might occur elsewhere in the continent in the future.

Togo under Eyadéma: A long tradition of spurious reforms and electoral manipulation

Supporters of Eyadéma in the army and the Rally of the Togolese People (RPT), the sole political party during his rule, will defend his record by pointing to the numerous mediation efforts he made to help solve a number of crises in West African countries (for example Côte d’Ivoire, Liberia and Sierra Leone). On the other hand, Eyadéma’s involvement in external conflicts was often regarded by his critics as a move to distract attention from the disastrous political, economic and social situation into which the country has ineluctably drifted since the 1980s. There is a vast discrepancy between the official image of Eyadéma as the mediator in violent conflicts affecting neighbouring countries and the internal Togolese reality – where he was a military dictator who controlled an extremely repressive government apparatus. The tension between the official rhetoric and the hardships caused by the harshness of his regime were characteristic of Eyadéma’s rule.

Viewed from this perspective, the attempt of the army to impose an unconstitutional succession on Togo was typical of Eyadéma’s style of government, in which the basic mechanisms were suppression of dissent and containment of democratic reform. When the democratisation process began in 1990 in neighbouring Benin, threatening to reach Togo, Eyadéma’s days in power seemed numbered. Nevertheless, under the pressure of the international community (especially France), various democratic reforms were introduced by the National Conference (in July and August 1991) in an attempt to open...
up the political system. To some, this appeared to augur the dawn of a new political era in Togo.

A prime minister chosen from civil society was appointed and a legislative organ was created to design a new constitution. The position of head of state was downgraded to that of a merely representative figure. However, drawing on his control of the army, Eyadéma reclaimed the power he had lost through a strategy which observers termed a ‘putsch by instalments’.

The repression of political forces opposing the government party that followed reached a climax when several prominent personalities were assassinated. An attempt was made in 1991 to eliminate Gilchrist Olympio, the president’s most important opponent and the son of the first president of the country, Sylvanus Olympio. Although Olympio found asylum in Ghana and France, he was barred from taking part in subsequent presidential elections on the grounds that he had been living abroad for more than 12 months. Eyadéma’s rule of terror also forced many Togolese to flee to neighbouring countries such as Benin and Ghana.

Between 1993 and 2003, Eyadéma organised three presidential polls of dubious credibility. It should be recalled that his candidacy in the last of these elections was only made possible by a constitutional amendment that allowed the president to serve more than two terms. Not surprisingly, the refusal of the Togolese government under Eyadéma to implement the governance reforms requested by the donor community and the persistent manipulation of presidential and legislative elections caused the European Community to suspend its development cooperation in 1993. In fact, the death of Eyadéma occurred at a crucial moment, because his government had just begun talks with the EU in the hope of ending Togo’s long isolation and resuming cooperation.

The troubling failure of African organisations to manage the crisis

Although rumours of Eyadéma’s ill health had been circulating in Togo and the region for several months before his death, the surprise expressed by Eyadéma’s entourage when he died indicates how unprepared his supporters were for such an eventuality. After the presidential election in 2003, Eyadéma had started to groom Faure Gnassingbé, his eldest son, as his successor. Legislative elections planned for the end of 2005 were meant to secure Gnassingbé’s appointment as Speaker of Parliament.

However, Eyadéma’s sudden death radically altered these calculations – and the subsequent events are well known. The army moved quickly and on 6 February the chief of staff of the army swore allegiance to Faure Gnassingbé, pronouncing him the new head of state. In doing this, the army overrode the provisions of the constitution, which call for the Speaker of Parliament to take over if the president dies while in office. The officers took advantage of the absence of the Speaker, who was abroad at the time, to appoint Faure Gnassingbé, aiming at a fait accompli which they thought would be tolerated by the international community.

Strong diplomacy at the beginning of the crisis

While President Jacques Chirac was still looking for an appropriate diplomatic formula to honour the memory of Eyadéma as a “personal friend and a friend of France”, the chairman of the AU Commission, Alpha Oumar Konaré, was describing the events in Togo as a military coup which he was not prepared to accept. This unusual statement from the executive chief of the AU was seconded by the current chairman of the AU, Nigerian President Olusegun Obasanjo. The president of ECOWAS, Mamadou Tandja of Niger, also announced his intention not to recognise the new government. He suggested that the country return to the constitutional order.

The determination of African leaders to oppose the action of the Togolese army led countries outside Africa to condemn the coup in Togo and to call for properly conducted presidential elections. The imposition of sanctions on the new government in Lomé by ECOWAS was seen as a logical extension of
the body’s commitment to restoring order in Togo.

The resignation of Faure Gnassingbé three weeks after his appointment by the army must therefore be attributable to the efforts of African diplomacy. After a meeting with President Obasanjo in Abuja, Eyadéma’s son agreed to step down and to arrange for elections to be held within the timeframe stipulated by the constitution. ECOWAS promised to observe the electoral process to ensure the fairness and transparency of the poll. On grounds of the shortness of the notice, the EU did not send observers, but it gave financial assistance to the ECOWAS mission.

A conciliatory attitude with the regime during the transition

The country’s opposition parties welcomed the return to the constitutional order, and even set their divisions aside to nominate a sole candidate, Bob Akitani of the Union des Forces du Changement (the UFC, the party of Olympio). Nevertheless, opposition parties strongly protested against the timeframe set for the elections, which allowed merely 60 days for campaigning, as well as the unpreparedness of the authorities to ensure a fair election process. One of the greatest points of contention was the disorder of the existing electoral rolls.

Although several appeals were made for the postponement of the election, these were ignored by both the interim government and ECOWAS. Even the dramatic resignation two days before the poll of the RPT Minister of the Interior, François Esso Boko, who was in charge of the organisation of the election, did not seem to deter ECOWAS observers. Arguing that the conditions for a transparent and fair election could not be met, Boko, a former protégé of Eyadéma, called for a postponement of the poll for at least one year. He was forced to seek refuge in the German Embassy to escape the army, which wanted to try him for treason.

That the election was held on 24 April was a sign of the determination of the ruling party to move quickly. When the Electoral Commission announced the victory of Faure Gnassingbé with 60.8% of the votes (with 38% for Bob Akitani), urban violence erupted spontaneously in Lomé and other cities. The heavy-handed response to the protest by the security forces is said to have caused more than 100 deaths. Some 20,000 Togolese fled to Benin and Ghana as a result.

What was most surprising was not the designation of Faure Gnassingbé as the winner of the polls, but the euphemistic assessment of the electoral process by ECOWAS, which described it as basically fair, while conceding that a few irregularities had taken place. In the same vein, the former colonial power, France, which had retained strong ties with Eyadéma’s family since 1967, expressed its satisfaction, while the European Commission merely ‘took note’. The US, however, questioned the legitimacy of the presidential election. Yet even if they were not satisfied with the way in which the election had been conducted, the EU Commission and the US called on the new government to begin a dialogue with the opposition in order to bring about national reconciliation.

Taking a tougher line, the EU parliament expressed its strong opposition to the new dispensation in Lomé. A resolution adopted on 11 May states:

[T]he circumstances in which recent elections were held did not comply with the principles of transparency, pluralism and the freedom of the people to determine their own future, principles which were guaranteed by the relevant regional and international instruments, and that the legitimacy of the authorities established on the basis of these elections may not be acknowledged.

The extreme divergence between the verdicts of ECOWAS and France on the one side and Togo’s other international partners on the other poses a series of questions.

Conclusion

After a violent transition, a manipulated election and a military power base that has been reinforced, what can the political future hold for Togo? The deep division between the
great majority of people (mostly in the south) and the small, privileged elite in the north can hardly be bridged by any formulaic government of national unity headed by Faure Gnassingbé. Although this solution is backed by ECOWAS and some important actors outside Africa, such as the US and the EU Commission, the feeling in Togolese opposition parties and civil society organisations is that a great opportunity to make fundamental reforms in the political life of the country has been lost. ECOWAS in particular has failed to earn moral credit because it has not been perceived as a neutral party. Even before the poll, the opposition parties were accusing ECOWAS of tacitly supporting the candidature of Gnassingbé by closing their eyes to the massive irregularities in the electoral process.

From a normative perspective, the West African organisation did not honour its commitment to fostering good governance. As the only organisation officially accredited to observe the election process in Togo, ECOWAS had a responsibility that it did little to fulfil. It sent only 150 electoral observers, most of whom were deployed only a few days before the poll took place. Therefore they were unable to make an adequate assessment of the preparations for the elections. The final report produced by ECOWAS underplayed the extent of irregularities that occurred during the poll (such as the confiscation of ballots by soldiers and the falsification of voting cards), and therefore failed to fulfil the requirements of impartiality.

The leaders of ECOWAS apparently opted for a pragmatic solution to the Togolese crisis, preferring political continuity (as symbolised by Eyadéma’s son) to political change (as represented by the opposition leaders, some of whom are known for their radical views). The latter the country and the subregion. But this eventuality might have been assessed as too risky by West African leaders, at a time that Côte d’Ivoire is still not out of danger.

The reasons for the choice made by ECOWAS are manifold. The first can be found in the national politics of Togo. The military-ethnic nature of Eyadéma’s regime and the power of his successor to mobilise huge resources (in the form of coercion, money and strong internal and external support) make it difficult for opposition leaders to take over. Again, the great majority of army officers come from Eyadéma’s home region, and the army retains its power over the country’s political fortunes. A president from the opposition would certainly not have total control of the army. The second reason might have to do with the personality of the opposition’s leaders, some of whom are thought to be too radical, a factor Eyadéma knows how to exploit politically. Also, Eyadéma’s family has many friends and important diplomatic ties in the West African region.

Another reason for ECOWAS’ preference for the status quo may spring from the current situation in West Africa. Owing to the conflict in Côte d’Ivoire, the port of Abidjan is no longer able to play the role of main sea port for the region. Landlocked countries such as Burkina Faso and Niger (whose president is the chair of ECOWAS) are increasingly using the port of Lomé as an alternative. A sudden political change in Lomé could have a direct effect on their imports and exports, which is why some West African countries may prefer continuity.

Last but not least, it is hard to imagine that France did not support the candidacy of Eyadéma’s son. France was the only Western country that failed to condemn the unconstitutional coup; it was also the sole member of the international community to back the ECOWAS declaration that the election result was legitimate. Its great influence in the region, especially on the Francophone countries, must also have played an important role. Because France is Togo’s most important partner, its unconditional support of Eyadéma’s regime has complicated, once again, the position of the EU in the country.

By maintaining the status quo at the price of a flawed election, ECOWAS chose to uphold an obsolete conception of stability. It could be argued that the sub-regional organisation did not expect free and fair elections in Togo in the first place – the realpolitik approach it adopted may have been based on the argument that a gradual opening of the political system in Togo was the best option on offer, because a sudden regime change in the face of a hostile
army would have been disastrous. The current expectation of most leaders in the region is that the parliamentary elections to be held later this year will give Gilchrist Olympio the chance to take his place in the domestic political scene. Even so, the political signal sent to other countries, which may consider similar solutions to their own succession dilemmas, was the wrong one. As for the AU, its silence following the strong commitment made by President Konaré at the beginning of the crisis could be taken to suggest the AU has also adopted the realist option.

Although it is unlikely that Togo’s political fortunes will develop along the lines of those of Côte d’Ivoire, the election of Faure Gnassingbé will not automatically lead to social peace in Togo. To avoid being part of the problem rather than the solution, ECOWAS should consider recommending a government of national unity only as part of a broader transition process. After a period of transition, fair and transparent general elections should be held under international supervision. A profound dialogue is needed in Togo to assess, among other issues, the excessive influence of the army over political life. As for the opposition, their most important and representative leaders should renounce their everything-but-nothing strategy. By considering the option of cohabitation with the RPT under certain conditions, they would help to calm the boiling political climate. Otherwise, Togo after Eyadéma will simply be a pale copy of Togo under Eyadéma.
At the beginning of 2005 a few well-informed observers on Sudanese affairs issued warnings that the international community’s focus on the appalling humanitarian and political crisis in Western Sudan should not be allowed to obscure another possible disaster in the neglected east among the Beja.

The Beja are a non-Arab Muslim people numbering in excess of 2.5 million, speaking dialects of the TuBedawiye language. They have occupied the Red Sea Hills and Sudan’s eastern deserts for centuries and their settlements straddle the Egyptian and Eritrean borders. Though some Beja farm on wadi land, most have eked out a traditional existence as nomadic herders of camels, cattle, sheep and goats. Associated with them in their isolation and marginalisation are the Rashaida, Arabic-speaking and relative newcomers to the Red Sea Hills, whose ancestors migrated from the Saudi peninsula in the 19th century. Like the Beja, among whom they live, they are pastoralists.

The fate of the Beja and Rashaida serves as a reminder that the nature of the historic grievances of Sudan’s marginalised majority against their rulers in Khartoum depends to some extent on whether we are talking about the north or south of the country. This is important, because the Comprehensive Peace Agreement (CPA) concluded in January 2005 between Khartoum and the Sudan People’s Liberation Movement (SPLM) focused principally on issues of power-sharing and autonomy as these concerned the oil-rich south. This in itself has to be borne in mind in discussion of how the CPA might indeed be made nationally ‘comprehensive’.

For many northerners, including the Beja, it was the process of administrative and economic centralisation initiated in the 1970s by General Nimieri and continued by subsequent administrations that brought about the most significant erosion of such rights as they might claim as citizens. The abolition of native administration in the northern provinces and its replacement by provincial councils may have looked like progressive reform, but its effect was to reduce the influence of traditional heads and increase that of local government bodies dominated by administrators and merchants well connected to the authorities in Khartoum. Also from 1970 onwards, legislation was passed by means of which local peoples were deprived of control over their land resources, which became increasingly subordinated to the demands of cotton plantation and mechanised agricultural schemes run by the politically well connected.

Severe and protracted drought in the 1980s killed off perhaps 80 per cent of the Beja’s livestock, forcing many to take up meagrely paid employment either in Port Sudan or as labourers on the mechanised agricultural schemes. For decades the Beja had augmented their

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pastoral livelihoods with subsidiary activities in time of need, but economic alternatives to herding now became the permanent lot of many tribesmen, as economic changes to the local social and political fabric are probably irreversible. The Red Sea region also came under pressure from new waves of migrants in the 1980s: West Africans, Darfurians, Nubians displaced by the flooding of Lake Nasser, and refugees from the Eritrean conflict. This added a potentially more national dimension to local grievances, which has been reflected lately in closer cooperation between political groups claiming to represent the marginalised in east and west.

A year after Beshir seized power a number of Beja army officers were executed in a purge of ‘unreliable’ elements. The new regime also continued with the alienation of tribal lands and the suppression of local Muslim traditions held to be at odds with the ‘orthodoxy’ as proclaimed by Khartoum.

Initially the Beja sought to keep alive their political resistance through the Beja Congress, which had been established in the 1960s and had revived in the brief periods of democratic government since. In 1989, the Beja Congress threw in its lot with the National Democratic Alliance (NDA), which had been formed by Sudanese political parties and unions banned by the new National Islamic Front regime. In March 1990 the Sudan’s People Liberation Movement/Army (SPLM/A) joined the alliance, whose initial priority was to restore democracy by political means, but by 1994 the collapse of Eritrea’s relations with Khartoum over the latter’s sponsorship of Islamic insurgency against Asmara led Eritrea to allow the opening of a military campaign from inside its territory. Most of the constituent parts of the NDA provided military forces on this new front, but the majority came from the Beja Congress and the most experienced from the Sudan People’s Liberation Army’s (SPLA’s) New Sudan Brigade. There was also a group from the Rashaida, the Free Lions Forces, which raided across the territory south of Kassala.

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the country’s strategic communications and pipeline through Port Sudan and near to the regional centre of Kassala.

It has to be noted, however, that although the Red Sea Hills may offer a useful base area from which armed groups might raid government positions and essential infrastructure, the crucial nature of the communications network and, indeed, its very existence would also make it imperative, and relatively easy, for Khartoum to deploy overwhelming force in its defence. The withdrawal of SPLA forces from the area, in terms of the Naivasha agreement, has also made a repeat of earlier rebel successes in the region improbable, claims of reinforcement from Darfuri migrants notwithstanding. Whether considerations of the likely civilian costs of such a renewed campaign will weigh heavily in the calculations of its advocates is a moot point. A war on two fronts remains at present a remote possibility, particularly at a time that Khartoum is reaping the diplomatic benefit of the favoured position granted it in consequence of the Naivasha accords.

Ironically, Khartoum’s position has benefited from the inclusion of the SPLM as a junior partner in the administration, though at the expense of ignoring very real questions about the SPLA's claims to represent southern interests. For the moment, however, one can expect that such questions of representivity will be restricted to commentators from outside the policy process, especially now that the NDA, or at least part of it led by the DUP, has signed up to the CPA. It was interesting that John Garang went to Asmara immediately after the signing of the Cairo Accord with the NDA in June, for talks with President Isaias Afewerki. While there he expressed his sympathy for the plight of the Darfurian and Beja insurgents, sentiments that might earlier have elicited rebuke from Khartoum. That none was forthcoming suggests that Garang enjoyed President Beshir’s tacit support in his efforts to sell the CPA to the other marginalised northern groups as the only framework for addressing their grievances. The backing of the international community, eager to dissemble the democratic shortcomings of the peace agreement they must now support and defend, may also be assumed.¹

At the time of writing, the AU has brought sufficient pressure to bear upon Darfur’s Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) to induce them to sign a Declaration of Principles with the government of Sudan that will shape the next round of peace negotiations, scheduled to commence towards the end of August. This, the relative lull in the direct violence on the ground, and promises of a substantial increase in the size of the AU monitoring force, may well serve to divert such global public attention as the Darfuri atrocities have garnered. Whether any of the signatories of the Declaration of Principles can exercise control over their forces on the ground remains to be seen.

The international focus on Sudanese affairs has now shifted to the inauguration of the interim process proper, the promulgation of the interim constitution, the formal inclusion of the SPLM in the executive and legislature, and the dawn of what some, against all evidence to the contrary, believe will be a national process of democratisation.

No one disputes that there are plenty of spoilers still able to upset the political and diplomatic process. The Umma Party and some other northern opposition groups remain unconvinced; the Nuba and the inhabitants of Blue Nile wait to see what this peace will mean for them; numerous southern armed militias have still to be brought into the fold; and the SPLM itself will be subjected to internal strains as seldom before. But it is the potential for ‘internal’ spoilers that gives the most pause for thought: will the military junta and the SPLA be able or willing to yield the advantages they have secured at Naivasha and open the political arena to competition that must ultimately threaten the commanding heights they now grudgingly share with one another? A study of political history in general and of Sudan in particular would suggest that this is unlikely. On this reading, a democratic outcome in Sudan, if it is to emerge at all, will more probably be the outcome of developments unforeseen, and unwished for, by the protagonists.

¹ Please note that this article was written before John Garang’s death.
The signing of the Humanitarian Ceasefire Agreement on 8 April 2005 by the government of Sudan (GoS), Sudan Peoples Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement (JEM) paved the way for the African Union (AU) to approve the African Mission in Sudan (AMIS) on 28 May 2005. Later the first deployment of a force composed of 80 military observers (MilObs) and 600 soldiers as protectors was approved. At the 17th meeting of the PSC the mission was enlarged to make provision for a staff of 3,320 and a budget of US$220 million. After a joint assessment of AMIS, the PSC decided on 28 April 2005 to further enlarge the mission to 6,171 military personnel and 1,560 police, with a budget of US$466 million.

Force structure

At the moment AMIS has deployed a force of 3,320 personnel. This includes 2,341 military personnel, among them 450 MilObs, up to 815 civilian police personnel, and the appropriate civilian staff. At the end of May 2005, the force levels were as follows:

- 454 MilObs;
- 245 civilian police;
- 26 international and Cease fire Commission members;
- 1,647 soldiers as part of the protection force from Nigeria (587), Rwanda (392), Gambia (196), Senegal (196), Kenya (MP) (35), South Africa (241) and Mozambique (1 x strengthened company of approximately 280 men)

Mission statement and mandated tasks

AMIS was deployed with a mandate to monitor and observe compliance with the Humanitarian Ceasefire Agreement of 8 April 2004 and assist in the process of confidence building. It is also mandated to contribute to securing the environment for the delivery of humanitarian relief and, beyond that, the return of internally displaced persons (IDPs) and refugees. The table below presents a summary of the mission’s principal tasks.

Mission structure

Ambassador Baba Gana Kingibe has been appointed special representative of the African Union (AU) in Sudan. In that capacity, his role is to ensure the overall direction and coordination of the activities of the mission and to maintain close contact with the Sudanese parties, the UN and all other concerned actors. Ambassador Kingibe has already assumed his
AMIS’ tasks

- Conduct area reconnaissance to determine sector sites and priorities of operation.
- Establish sector headquarters (HQs) and sites according to the scheme of deployment.
- Liaise with the local authorities of all parties at sector and tactical area of responsibility (TAOR) levels.
- Monitor and verify the activities of all parties and the security situation in and around declared safe areas.
- Monitor and verify the provision of security for returning IDPs and in the vicinity of existing IDP camps, through the GoS.
- Monitor and verify the cessation of all hostile acts by all the parties.
- Monitor and verify hostile militia activities against the population.
- Monitor and verify the overall security situation within the area of responsibility (AOR).
- Monitor and verify attempts of the GoS to disarm government-controlled militias.
- Investigate and report allegations of violations of the 8 April 2004 Humanitarian Ceasefire Agreement.
- Protect AU personnel, equipment and installations.
- Protect observer patrols on vehicle and heli-borne deployment as required.
- Be prepared to protect civilians under imminent threat in the immediate vicinity, within capabilities.
- Be prepared to protect both static and mobile humanitarian operations under imminent threat and in the immediate vicinity, within capabilities.
- Provide a visible military presence by patrolling and establishing temporary outposts in order to deter uncontrolled armed groups from committing hostile acts against the population.

duties in Khartoum and is in regular contact with the Sudanese parties and members of the international community, including the United Nations (UN) Secretary-General’s special representative, Jan Pronk.

Major General Festus Okonkwo from Nigeria has been appointed force commander. As such, he chairs the Ceasefire Commission (CFC) with Brigadier General Jean Bosco Kazura of Rwanda (the deputy force commander). South Africa has provided the head of the AMIS civilian police component and Ghana the deputy head. Furthermore, and in order to give back-up to the mission with strategic planning and management support, a team known as the Darfur Integrated Task Force (DITF) has been established at the AU Commission. The mission structure is therefore as follows:

Mission Structure

- Head of Mission
- CAO
- Civ Pol
- FC
- Political & Humanitarian Affairs
- Sector + Company
- MilOb Team+ Platoon
- MilOb Team+ Platoon
- MilOb Team+ Platoon
- MilOb Team+ Platoon

Each MilOb Team consists of ten MilObs.
The military component and military sectors of AMIS

The military component of AMIS consists of the following:

- Force HQ;
- One airmobile special forces company, which will constitute the military component reserve;
- One explosive ordinance device (EOD)/de-mining platoon;
- One light field engineer platoon;
- One military police platoon;
- Military interpreter pool;
- Eight sector HQs;
- Four MilOb teams for each sector;
- One enhanced infantry company in each sector; and
- One helicopter squadron in three selected sectors with six to nine (El Fasher) medium transport helicopters (these will eventually be civilian assets).

In addition to the above, the military component has established eight sector sites that the MilOb teams operate from (within the boundaries of their TAORs). The TAORs are based on current regional and administrative boundaries and are consistent with those proposed for the civilian police component. Each MilOb team consists of ten MilObs, with representation of the parties, and an infantry protection platoon. Sector HQs will have a support group (level I medical facility, maintenance package and fuel operators).

The military and the civilian police HQs of AMIS are located in El Fasher, which is also the HQ for sector 1 (see map below). There are seven other sectors located as follows: Nyala (sector 2), El Geneina (sector 3), Kabkabiya (sector 4), Tine (sector 5), Kutum (sector 6), Zalinguei (sector 7) and El Daien (sector 8).
Deployment concept and logistics

Following the approval of the mandate, AMIS was deployed as follows:

- **Phase 1: M + 30** reconnaissance and logistic development;
- **Phase 2: M + 45** developing military component HQ and the current operation;
- **Phase 3: M + 60** initial establishment of sector HQs and team sites at sector centre;
- **Phase 4: M + 75** full establishment of sector HQs and team sites at sector centre;
- **Phase 5: M + 120** full deployment throughout the sectors.

As regards logistics, the mission has 572 vehicles, 18 helicopters and 2 fixed-wing aircraft for the transport of goods and personnel. The communication equipment, which comprises 105 Thurayas, 467 VHF vehicle radios, 169 HF vehicle and base station radios, 1,206 handheld radios and VHF base stations, has arrived in Khartoum.

By the end of May 2005, vehicle and communication requirements (which, until recently, constituted critical constraints) were successfully addressed. Furthermore, the US government has provided equipment for three rapid response teams, and a request for funding for equipment for other teams has been submitted to the UK government, which has agreed to provide assistance. This will enable the mission to rapidly deploy small units so that it can undertake preventive deployments, among others.

**Funding and what is to come**

Current budget estimates for the enhanced AMIS, the Inter-Sudanese Peace Talks in Abuja and the DITF are US$221,767,565; US$1,881,500; and US$3,646,379 respectively. This brings the total estimate to US$227,295,443. It should be noted that US$248,418,670 has already been pledged by AU partners.

According to a report by the UN Secretary-General dated 3 May 2005, AMIS is effective where it is deployed and needs strengthening so that it can expand its presence to cover more of the vast and difficult terrain of Darfur. This was coincident with the findings of an AU assessment mission that visited Darfur in March 2005, which noted that AMIS is extremely hard pressed to implement its mandate effectively and that the mission remains well short of being fully operational. Its weakness can be pinned down to three categories: command and control, logistical support and operational practice.

The second phase of deployment, June to August 2005, will see the deployment of more troops that will allow AMIS to reach a force level of 5,887 military personnel and 1,560 civilian police – this will undoubtedly improve the effectiveness with which the mission accomplishes its mandate and tasks. In addition, a third phase is foreseen, to be decided on in September 2005. This phase would require a major increase in the AMIS, an increase estimated by the AU and the UN to bring AMIS to a total strength of 12,300 military, police and civilian personnel. The specific aim of the third phase, which might be viewed as a follow-on mission since it would take the operation to an entirely new stage, would be to adequately secure the environment throughout Darfur so that all displaced persons would be able to return to their homes. This will require close coordination between the military, civilian police, humanitarian and development organisations, civil authorities and the affected population, and should aim at completion before the spring 2006 planting season.
"A PLACE TO CALL HOME?"

MARIAM JOOMA

The forced repatriation of Rwandan refugees

While the displacement of people caused by armed conflict and persecution in the Great Lakes region is not new, recent events surrounding the forced repatriation of Rwandan asylum seekers in Burundi and their Burundian counterparts in Rwanda not only suggest a worrying disregard for international humanitarian law by these governments, but also demonstrate the extent to which asylum may be politicised. An analysis of these events highlights the continuing vulnerability of asylum seekers, refugees and internally displaced persons (IDPs) in this highly volatile region – a vulnerability that contributes to undermining any prospect of a durable peace in the region.

Towards the end of March 2005, media organisations reported that more than 2,000 Rwandans were fleeing their country to neighbouring Burundi. Reports were unclear about the reasons for such a large-scale exodus but suggested that possibly many Rwandans feared persecution as a result of the gacaca trials. Yet, in the absence of adequate demographic profiles of those who were fleeing, it becomes difficult to understand the motivations for the spontaneous exodus. What common factors bound these Rwandans together? Were they victims or perpetrators of violence in the past? What prompted them to leave at this particular time?

As detailed in the article by Stephanie Wolters in this section, the traditional gacaca courts were set up alongside the formal justice process as a way of addressing the backlog of cases surrounding crimes committed during the 1994 genocide. The trials are meant to bring victim and perpetrator together in front of their communities in an attempt to simultaneously address justice and reconciliation. However, many (including whole communities) are sceptical about the extent to which justice and reconciliation can be weighted against each other. Tied to the issue of guilt is the pressure that victims may feel to forgive the perpetrators – for some, a function of the need to safeguard themselves and their families against relatives and friends of the accused. Several aid workers believe that this fear of retribution may explain the rumours of what some call a 'counter-genocide': this time against Rwandan Hutus.

It should be noted here that the term 'asylum seeker' refers to an individual who has fled persecution or human rights abuses in his or her country of origin, but is awaiting the outcome of an application for asylum. Once this application has been approved this individual is considered a 'refugee' by the host country. However, the difference in technical terms does not erode the right to protection for both categories of people as set out in the 1951...
International Convention on Refugees.

After the exodus referred to above, the Burundian government called on the United Nations High Commissioner for Refugees (UNHCR) for assistance. The agency agreed to assist on condition that the asylum seekers were moved away from the border area for security. By 18 April Burundi's Minister of Interior, Didace Nzikorurirho, announced that the incoming population were being moved to temporary camps at Songore in the northeastern province of Muyinga and Cankuzo, explaining that “the government and its partners are yet to decide on more long-term places to relocate them”.

At this juncture media reports put the number of Rwandan asylum seekers at between 5,000 and 7,000. On 6 May the Rwandan government dispatched a task force to visit these refugees, allegedly to ‘mobilise’ them to return. On the same day, it was reported that many were already returning to Rwanda, making their way either by transport provided by the Rwandan government or on foot. As Charles Ntakirutimana, mayor of the border district of Mugombwa, explained at the time, the task force “is telling them that gacaca [will] not victimise anyone. The taskforce, consisting of mayors from Butare province as well as officials from central government, is telling people there is no reason to flee.” It is extremely doubtful whether this vulnerable population would voice their concerns to a taskforce composed of state officials, however. The spectre of forced repatriation became clearer as events unfolded.

On 23 April the Burundian government halted all transfers from border areas to inland centres. Yet, there was still little information on who actually constituted this refugee population, though it was believed that women and children made up the majority. Some weeks later, on 17 May, the UNHCR reported that hundreds of asylum seekers who fled to Burundi may have been intimidated to return home. The agency explained that most of the departures took place between 4 pm and 9 am when UN country staff in the area were subject to curfew. Four of the seven temporary housing sites were empty, and asylum seekers were seen to leave on trucks sent by the Rwandan government, while a large number left on foot. Simultaneously, a Rwandan information campaign aimed at encouraging the asylum seekers to return home began.

On 20 May the Rwandan prime minister convened a meeting with several representatives of local government, security bodies and the attorney general to discuss the ‘root causes’ for the flight of people. In this meeting, the mayor of Butare suggested that those fleeing Rwanda may have links to the Burundian rebel group, the Front Nationale de Libération (FNL), adding that refugee camps might be being used as bases for new recruitment and training. Prime Minister Bernard Makuza concluded that security considerations needed to be prioritised in order to stem the tide of people fleeing to Burundi.

On 31 May Burundian authorities ordered the dismantling of several border sites and closed two transit sites. Those housed at these sites were moved to one ill-equipped and overcrowded transit centre at Songore in northern Burundi (able to accommodate 800 refugees, the centre now sheltered over 6,000 people). UN agencies raised concerns about the severe pressures on sanitation and water access.

On 11 June the governments of Burundi and Rwanda signed a bi-lateral pact regulating the exchange of what were now labelled ‘illegal immigrants’. A joint press release described the actions of the asylum seekers as unfounded, stating that “all measures will be taken to ensure that these people are repatriated without delay.” UNHCR representatives from both Burundi and Rwanda were not admitted to the meeting, however, and were effectively barred from accessing the displaced.

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international outcry which surrounded these
events, reaffirming his government’s now offi-
cial view that these people were “running away
from justice”.

The Rwandan-Burundian case demonstrates
the impotence of international rights-based law
in the face of conflicting domestic political
aims.

To be or not to be a refugee

As this year’s World Refugee Day marks
more than 50 years since the signing of the
International Convention Relating to the Status
of Refugees, the need to revisit the spirit of the
convention, and assess the practical actions of
its 136 signatory states is more relevant than
ever. Certainly the protections set out in the
1951 convention and the subsequent 1967
protocol represent the only “wall behind which
refugees can shelter”, as described by the direc-
tor of the UNHCR Protection Department,
Erika Feller, and remains the fundamental
basis for the agency’s work across the globe.

Mandated to be the lead agency for coordinat-
ing assistance to refugees in the aftermath of
World War II, the UNHCR was not expected
to be operational for more than three years!
However, the agency’s importance has grown
exponentially as the conflicts in the former
zones of cold-war influence continued in vary-
ing degrees of intensity. Currently some 19.2
million displaced people across the globe reaf-
firm the critical need for basic humanitarian
assistance and protection.

While the movement of people is a global
phenomenon, the term ‘refugee’ or the spectre
of nameless masses of people fleeing violence
and persecution is largely associated with con-
flicts on the African continent. Indeed almost
30 per cent of the world’s refugee population
originate from Africa. According to the most
recent global refugee update compiled by the
UN the total number of refugees fleeing civil
and inter-state war on the continent stands at
around three million people. If we consider
the highly porous nature of borders between
states on the continent, undocumented asylum
seekers will add a significant portion to this
number.

For governments in the north, one of the
means of fighting the ‘war on terror’ in the
post-11 September context has been to impose
increasingly stringent immigration laws – yet
this has resulted in the conflation of two sepa-
rate issues: economic immigration and asylum
from persecution. The newly confirmed High
Commissioner for Refugees, former Portuguese
Prime Minister Antonio Guterres, has been
critical of the tendency to confuse refugees and
asylum seekers with terrorists and economic
migrants when the former were victims of ter-
rorists themselves. Guterres recently noted that
“refugees do not migrate because they want to
improve their situation, they migrate because
they are being persecuted”.

The following table
presents, in summary, answers to some of the
most common questions concerning refugees:

<table>
<thead>
<tr>
<th>Who is a refugee?</th>
<th>A refugee is a person who &quot;owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country&quot;.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951 Convention Relating to the Status of Refugees</td>
<td></td>
</tr>
<tr>
<td>How are refugees protected?</td>
<td>Governments normally guarantee the basic human rights and physical security of their citizens. But when civilians become refugees this safety net disappears. UNHCR’s main role in pursuing international protection is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum. However, it is not a supranational organisation and cannot be considered a replacement for government responsibility. Countries may not forcibly return refugees to a territory where they face danger or discriminate between groups of refugees.</td>
</tr>
</tbody>
</table>
Refugees are required to respect the laws and regulations of their country of asylum.

Governments establish status determination procedures to decide a person’s legal standing and rights in accordance with their own legal systems. The UNHCR may offer advice as part of its mandate to promote refugee law, protect refugees and supervise the implementation of the 1951 Refugee Convention. The agency advocates that governments adopt a rapid, flexible and liberal process, recognising how difficult it often is to document persecution. The UNHCR's 64-member Executive Committee sets non-binding guidelines and the agency’s Handbook on procedures and criteria for determining refugee status is an authoritative interpretation of the 1951 Convention. In countries that are not party to international refugee instruments but that request the UNHCR's assistance, the agency may determine a person’s refugee status and offer its protection and assistance.

The 1951 Geneva Convention, the main international instrument of refugee law, does not specifically address the issue of civilians fleeing conflict, though in recent years major refugee movements have resulted from civil wars, ethnic, tribal and religious violence. However, the UNHCR considers that persons fleeing such conditions, and whose state is unwilling or unable to protect them, should be considered refugees. Regional instruments such as the AU convention support this view. Some countries argue that civilians fleeing generalised war or who fear persecution by non-state groups such as militias and rebels should not be given formal refugee status. It is the UNHCR’s view that the origin of the persecution should not be decisive in determining refugee status, but whether a person deserves international protection because it is not available in the country of origin.

A refugee has the right to safe asylum. However, international protection comprises more than physical safety. Refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident, including freedom of thought, freedom of movement and freedom from torture and degrading treatment. Economic and social rights are equally applicable. Refugees should have access to medical care, schooling and the right to work. In certain circumstances when adequate government resources are not immediately available, including the sudden arrival of large numbers of uprooted persons, the UNHCR and other international organisations provide assistance such as financial grants, food, tools and shelter, schools and clinics. With income-generating and skill training projects, the UNHCR makes every effort to ensure that refugees become self-sufficient as quickly as possible.

**The challenges of reintegration and rehabilitation**

The UNHCR emphasises that refugee numbers are declining globally, with an unprecedented level of voluntary repatriation. The emphasis on the ‘voluntary’ nature of repatriation is particularly important to the work of the agency as outlined in Article 33 of the Refugee Convention:

No contracting state shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.8
In fact, over a four-year period the global refugee population has fallen by 24 per cent. But these figures suggest another trend in human population movements, that of a steadily increasing number of IDPs. The Sudanese case highlights the enormous challenges facing that country as it begins to contemplate post-conflict reconstruction in the south. It is estimated that over four million people have been internally uprooted by the war in southern Sudan and as many as 600,000 of them are refugees in the seven neighbouring states.

While the increasing movement towards returning ‘home’ is a testament to the success of ongoing peace-making initiatives on the continent, one of the main challenges to building peace is the socio-economic reintegration and rehabilitation of uprooted individuals in their countries and communities of origin. Yet, as noted in a recent IRIN news agency report on the experiences of refugees who have returned home, the “initial euphoria of going back turns sour and leads to frustration as families struggle to reintegrate into societies ravaged by war and social dislocation”.

This should not come as a surprise. Life as a refugee is characterised by dependence on external aid, either from UN agencies such as the World Food Programme (WFP) or government bodies of the host country. Indeed, the levels of either self-sufficiency or dependency while in exile have an important bearing on the subsequent pace of economic reintegration. The need for a coordinated socio-economic reintegration strategy (as an integral and fundamental part of post-conflict reconstruction efforts) has been highlighted, inter alia, by the UN Secretary-General’s 2005 report entitled *In larger freedom: development, security and human rights for all*, which calls for, among other things, the incorporation and adoption of a developmental approach to peacekeeping efforts.

While UN agencies are mandated to provide relief and development assistance, the responsibility for reintegration must perforce also lie with government institutions in the state in question. This should not be interpreted as a call for the reduction of international donors’ assistance – critical, particularly to stabilise populations in distress during emergency periods. Strengthening governments’ ability to positively contribute and lead processes of socio-economic reintegration of their populations is key to their long-term success as well as preventing former refugees and IDPs from re-entering the ‘revolving door of displacement’. Viewed from the perspective of conflict prevention, the successful socio-economic reintegration of refugees and IDPs is instrumental in ensuring peace in post-conflict societies.

**Conclusion**

According to the UNHCR in Rwanda, the majority of repatriates were received by their communities rather than by local authorities. There is now clear evidence that most of them were women and young children – challenging the validity of the Rwandan government’s claim that they fled because of fear of being prosecuted by the *gacaca* trials. It is more likely that those who fled did so from fear of general insecurity and intimidation emanating from the tense situation created by the *gacaca* process.

The Rwandan government’s qualification of the group as a subversive and criminal entity is a stark violation of the principles of international law. Jean Pierre Misago of the University of the Witwatersrand’s Forced Migration Unit explains: “Everybody should be allowed to apply for asylum, after which the appropriate authorities would make an informed decision in line with international law.” More importantly, and following from the chronology of events detailed above, political machinations have largely determined the status of this vulnerable population.

Aid workers in Burundi maintain that the move had been anticipated for some time, but aside from trying to open up dialogue channels between government and humanitarian agencies, they were impotent to stop Rwanda’s actions. In addition, the pressure mounted on a Burundian government struggling to retain re-label the refugees.

The movement of people is symptomatic of the broader challenges to peace-building in a region that has been characterised by inter-
necine violence and instability. For the thousands of people who continue to be displaced and those who make the decision to return home, international law represents their only defence against human rights abuses.

Notes

1  IRIN news, UN agency relocates newly arrived refugees, <http://www.irinnews.org>, 18 April 2005
3  UNHCR, UNHCR alarmed by Rwanda’s and Burundi’s decision to re-label refugees as illegal immigrants, <http://www.unhcr.ch>, 13 June 2005.
5  Ilbid.

8  UNHCR, Convention and protocol relating to the status of refugees, 1967.
9  Population and Geographical Data Section UNHCR, Global refugee trends: Overview of refugee populations, new arrivals, durable solutions, asylum seekers, stateless and other persons of concern to UNHCR, 17 June 2005.
12 Interview with Jean Pierre Misago, Forced Migration Unit, University of the Witwatersrand, 20 June 2005.
Eleven years after the Rwandan genocide in which up to a million Tutsis and moderate Hutus were killed, the Rwandan government has launched a national judicial process aimed at bringing the perpetrators of the genocide to justice. Although trials of genocide suspects have been under way since 1996, according to some estimates it would have taken the Rwandan judicial system up to 150 years to try the over 100,000 people already detained on charges of genocide. Faced with this reality, the Rwandan government created the gacaca courts in 2001. They were subsequently introduced in a small number of pilot areas in two phases in 2002, and at national level in early 2005.

One of the key objectives of the gacaca courts is to eradicate the ‘culture of impunity’ in Rwanda. Many Rwandans feel strongly that if the authors of past ethnic massacres in Rwanda had been properly punished, the 1994 genocide would not have taken place. Without proper justice, they say, impunity cannot be eradicated, and reconciliation, which is the second key objective of the process, will remain impossible.

Based on a traditional form of community-level conflict resolution, the gacaca courts are essentially grassroots courts presided over by a group of nine judges who are elected by the community. The gacaca courts meet once a week, initially to gather, collate and, to some extent, verify information about what happened during the genocide, who was killed, and who may be accused of having participated in the killings. Once the information gathering period is completed, the courts move to the trial phase during which the accused will have an opportunity to defend themselves, or to plead guilty and confess. The hearings of the gacaca courts are public and mandatory, and are intended to promote widespread participation with the aim of getting as much information as possible about what happened during the genocide.

So far, the experience of the pilot phase of the gacaca courts indicates that participation is high during the introductory stage of the process, largely as a result of curiosity, and tends to taper off somewhat later on. This has been attributed to a number of things, ranging from fear of reprisals for speaking openly and accusing people, to a significant loss of work time when attending the weekly meetings.

It is too early to evaluate how participation at national level will evolve; however, the introduction of the gacaca courts at national level has created an atmosphere of heightened tension around the process. Observers agree that while the gacaca process was taking place in only a few areas of the country, it remained a source of curiosity. However, now that it has been introduced on a nationwide level, it has become a reality for all Rwandans – a reality that will force Rwandans to revisit the darkest period of their history each week for as long as the gacaca courts function. Revisiting this period of their

**THE GACACA PROCESS**

**STEPHANIE WOLTERS**

**AFRICA WATCH**

**STEPHANIE WOLTERS** is a freelance journalist and currently writes the Economist Intelligence Unit’s DRC Quarterly Country Report. Between 2001 and 2003 she was chief news editor of MONUC’s Radio Okapi in the DRC.
history means that Hutus and Tutsis will regularly be reminded of a time that their communities were violently at odds with one another, and when ethnic differences were a matter of life and death. There is growing concern that the regular harking back to this period during the gacaca courts could do more to damage the relationship between these two communities than to heal it. An additional factor which fuels concerns that the gacaca process may prove divisive rather than reconciliatory is that the gacaca courts will not investigate killings that happened after the genocide and that were frequently perpetrated by the Rwandan Patriotic Front (RPF) against Hutus. Many see this as selective justice and have criticised this omission as being unfair and at odds with a national reconciliation process.

Exacerbating the concern that the gacaca courts might be perceived as being one-sided is the fact that the Rwandan political arena remains extremely closed. Opposition parties have been sidelined while almost any criticism of the government is labelled divisionist. This means that the type of debate which a judicial process such as the gacaca tribunals would be expected to generate cannot be held openly. This lack of freedom to criticise a process that has massive implications at national level only serves to enforce the impression that the gacaca courts are the government’s way of settling past scores, even if this is not really the case.

Misgivings about the gacaca courts are not just the domain of the Hutu community, however. Many genocide survivors are also wary of the process, essentially because they perceive the confession procedure as amounting to a de facto amnesty for the perpetrators. The confession procedure is a cornerstone of the gacaca process: if a person confesses, pleads guilty and asks for forgiveness, his or her prison sentence will be reduced by up to half. This reduction in the prison sentence, coupled with what the survivors say is the accused person’s lack of sincerity, has led many survivors to question the credibility of the gacaca process.

Most neutral observers agree that there is a very real risk not only that the gacaca courts may fail to meet their objective of trying all those involved in the genocide – the latest official figures put this number at 800,000 people, which would take the courts up to 20 years to try – but also that the gacaca process may backfire and heighten tensions between the two main ethnic groups in Rwanda. At the same time, there is widespread agreement that the perpetrators of the genocide must be brought to some sort of justice so that the country may move beyond its still very painful and very recent past.
Some facts about Zimbabwe

**Zimbabwe Background:** The UK annexed Southern Rhodesia from the South Africa Company in 1923. A 1961 constitution was formulated that favored whites in power. In 1965 the government unilaterally declared its independence, but the UK did not recognize the act and demanded more complete voting rights for the black African majority in the country (then called Rhodesia). UN sanctions and a guerrilla uprising finally led to free elections in 1979 and independence (as Zimbabwe) in 1980. Robert MUGABE, the nation's first prime minister, has been the country's only ruler (as president since 1987) and has dominated the country's political system since independence.

**Short Form:** Zimbabwe  
**Local Short Form:** Zimbabwe  
**Long Form:** Republic of Zimbabwe  
**Local Long Form:** Zimbabwe  
**Script Form:** Zimbabwe  
**Abbreviated Form:** Zimbabwe  
**Former Name:** Southern Rhodesia, Rhodesia  
**Territory of:** NA  
**Zimbabwe Head of State:** Executive President Robert Gabriel MUGABE  
**Zimbabwe Government Type:** parliamentary democracy  
**Zimbabwe Independence:** 1980 April 18 (from UK)  
**Zimbabwe National Holiday:** Independence Day, 18 April  
**Zimbabwe Constitution:** 1979 December 21  
**Zimbabwe Administrative Divisions:** 8 provinces and 2 cities* with provincial status; Bulawayo*, Harare*, Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South, Midlands

Zimbabwe Dependent Areas: NA
Zimbabwe Legal System: mixture of Roman-Dutch and English common law
Suffrage: 18 years of age

Zimbabwe Executive, Legislative and Judicial Branches: Executive Branch: chief of state: Executive President Robert Gabriel MUGABE (since 31 December 1987); Co-Vice Presidents Simon Vengai MUZENDA (since 31 December 1987) and Joseph MSIKA (since 23 December 1999); note - the president is both the chief of state and head of government head of government: Executive President Robert Gabriel MUGABE (since 31 December 1987); Co-Vice Presidents Simon Vengai MUZENDA (since 31 December 1987) and Joseph MSIKA (since 23 December 1999); note - the president is both the chief of state and head of government cabinet: Cabinet appointed by the president; responsible to the House of Assembly elections: presidential candidates nominated with a nomination paper signed by at least 10 registered voters (at least one from each province) and elected by popular vote; election last held 9-11 March 2002 (next to be held NA March 2006); co-vice presidents appointed by the president election results: Robert Gabriel MUGABE reelected president; percent of vote - Robert Gabriel MUGABE 56.2%, Morgan TSVANGIRAI 41.9% Legislative Branch: unicameral parliament, called House of Assembly (150 seats - 120 elected by popular vote for five-year terms, 12 nominated by the president, 10 occupied by traditional chiefs chosen by their peers, and 8 occupied by provincial governors appointed by the president) elections: last held 24-25 June 2000 (next to be held NA 2005) election results: percent of vote by party - ZANU-PF 47.2%, MDC 45.6%, ZANU-Ndonga 0.7%, United Parties 0.7%; seats by party - ZANU-PF 63, MDC 56, ZANU-Ndonga 1 Judicial Branch: Supreme Court; High Court

Zimbabwe Party Leaders: Movement for Democratic Change or MDC [Morgan TSVANGIRAI]; United Parties [Abel MUZOREWA]; Zimbabwe African National Union-Ndonga or ZANU-Ndonga [leader NA]; Zimbabwe African National Union-Patriotic Front or ZANU-PF [Robert Gabriel MUGABE]; Zimbabwe African Peoples Union or ZAPU [Paul SIWELA]

Zimbabwe International Disputes: NA

Zimbabwe Illicit Drugs: transit point for African cannabis and South Asian heroin, mandrax, and methamphetamines destined for the South African and European markets

ZIMBABWEAN GEOGRAPHY FACTS

Location of Zimbabwe: Southern Africa, between South Africa and Zambia

<table>
<thead>
<tr>
<th>Continent</th>
<th>Land Area Total: 390,580 sq km</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region</td>
<td>Land Area Land: 386,670 sq km</td>
</tr>
<tr>
<td>Zimbabwe Capital</td>
<td>Land Area Water: 3,910 sq km</td>
</tr>
<tr>
<td>Current Time</td>
<td></td>
</tr>
<tr>
<td>Latitude</td>
<td>020 00 S</td>
</tr>
<tr>
<td>Longitude</td>
<td>030 00 E</td>
</tr>
<tr>
<td>Arable Land</td>
<td>8.00 %</td>
</tr>
<tr>
<td>Crops</td>
<td>1.00 %</td>
</tr>
<tr>
<td>Border Boundary Land: 3,066 km</td>
<td></td>
</tr>
<tr>
<td>Border Boundary Coastline: 0 km</td>
<td></td>
</tr>
<tr>
<td>Pastures</td>
<td>0.00 %</td>
</tr>
<tr>
<td>Woodlands &amp; Forests: 0.00 %</td>
<td></td>
</tr>
</tbody>
</table>
Highest Elevation: 2,592 m  Location: Inyangani

Lowest Elevation: 162 m  Location: junction of the Runde and Save rivers

Largest City in Zimbabwe: Harare  Harare Population: 1,686,000

Threatened Species in Zimbabwe: 38

Environmental Issues in Zimbabwe: deforestation; soil erosion; land degradation; air and water pollution; the black rhinoceros herd - once the largest concentration of the species in the world - has been significantly reduced by poaching; poor mining practices have led to toxic waste and heavy metal pollution

Zimbabwe Environmental Agreements: party to: Biodiversity, Climate Change, Desertification, Endangered Species, Law of the Sea, Ozone Layer Protection signed, but not ratified: none of the selected agreements

Irrigated Land in Zimbabwe: 1,170

Bordering Countries of Zimbabwe: Botswana 813 km, Mozambique 1,231 km, South Africa 225 km, Zambia 797 km

Zimbabwe Natural Resources: coal, chromium ore, asbestos, gold, nickel, copper, iron ore, vanadium, lithium, tin, platinum group metals

Zimbabwe Terrain: mostly high plateau with higher central plateau (high veld); mountains in east

Comparative Area of Zimbabwe: slightly larger than Montana

Notes on Zimbabwe's Geography: landlocked; the Zambezi forms a natural riverine boundary with Zambia; in full flood (February-April) the massive Victoria Falls on the river forms the world's largest curtain of falling water

ZIMBABWEAN CLIMATE

General Climate in Zimbabwe: tropical; moderated by altitude; rainy season (November to March)

Natural Hazards in Zimbabwe: recurring droughts; floods and severe storms are rare

ZIMBABWEAN ECONOMY

Overview of the Zimbabwe Economy: The government of Zimbabwe faces a wide variety of difficult economic problems as it strives to consolidate earlier moves to develop a market-oriented economy. Its involvement in the war in the Democratic Republic of the Congo, for example, has already drained hundreds of millions of dollars from the economy. Badly needed support from the IMF has been suspended because of the country's failure to meet budgetary goals. Inflation rose from an annual rate of 32% in 1998 to 59% in 1999, to 60% in 2000, and to 100% by yearend 2001. The economy is being steadily weakened by excessive government deficits, AIDS, and rampant inflation. The government's land reform program, characterized by chaos and violence, has derailed the commercial sector, the traditional source of exports and foreign exchange and the provider of
400,000 jobs. Distribution of income is extremely unequal.

- **Zimbabwe GDP**: $28,000,000,000 USD
- **GDP per Capita**: $2,450 USD
- **GDP Growth Rate**: -6.50 %
- **GDP of Agriculture**: 11.00 %
- **GDP of Services**: 75.00 %
- **Zimbabwe Inflation Rate**: 100.00 %
- **Zimbabwe Unemployment Rate**: 60.00 %
- **Zimbabwe Population in Poverty**: 60.00 %
- **Zimbabwe Tourism**: 2,103,000.00 visitors each year
- **Electricity Consumption**: 10,475,000,000 kWh
- **Electricity Production**: 6,425,000,000 kWh
- **External Debt**: $5,000,000,000 USD
- **Received in economic aid**: $200,000,000 USD
- **Donated in economic aid**: $0 USD
- **Zimbabwe Agricultural Products**: corn, cotton, tobacco, wheat, coffee, sugarcane, peanuts; cattle, sheep, goats, pigs
- **Zimbabwe Primary Industries**: mining (coal, gold, copper, nickel, tin, clay, numerous metallic and nonmetallic ores), steel, wood products, cement, chemicals, fertilizer, clothing and footwear, foodstuffs, beverages
- **Industrial Growth Rate in Zimbabwe**: -10.00 %
- **Zimbabwe Primary Imports**: $1,500,000,000 USD - machinery and transport equipment 34%, other manufactures 18%, chemicals 17%, fuels 11%
- **Import Partners**: South Africa 46.3%, UK 7.2%, Germany 2.5%, US 2.8%, Japan 2.5%
- **Zimbabwe Primary Exports**: $2,100,000,000 USD - tobacco 30%, gold 11%, ferroalloys 9%, textile/clothing 3%
- **Export Partners**: South Africa 12.1%, UK 8.5%, Japan 7.7%, Germany 6.1%, China 5.4%
Gini Index: 56.80 %

Zimbabwe Labor Force: 5,500,000

Zimbabwe Labor Force by Occupations: agriculture 66%, services 24%, industry 10%

ZIMBABWEAN COMMUNICATIONS

Radio Broadcast Stations: 28
Radio: 1,140,000

Television Broadcast Stations: 16
Television: 370,000

Mainline Telephones: 212,000
Mobile Phones: 111,000

Internet Service Providers: 6
Internet Users: 30,000

Internet Country Code: .zw
Newspapers: 19

Two Letter Country Code: ZW
Weights & Measures:

Phone Country Code: +263
Electricity: Volts

Zimbabwe Telephone Systems: general assessment: system was once one of the best in Africa, but now suffers from poor maintenance; more than 100,000 outstanding requests for connection despite an equally large number of installed but unused main lines domestic: consists of microwave radio relay links, open-wire lines, radiotelephone communication stations, fixed wireless local loop installations, and a substantial mobile cellular network; Internet connection is available in Harare and planned for all major towns and for some of the smaller ones international: satellite earth stations - 2 Intelsat; two international digital gateway exchanges (in Harare and Gweru)

ZIMBABWEAN TRANSPORTATION

Highways: 8,692 km
Railways: 3,077 km

Pipelines: 212 km
Waterways: 0 km

Airports: 17
Heliports: 0

Motor Vehicles: 51 per 1k people
CO2 Emissions: 18,203,000 Metric Tons of CO2 / yr
Per Capita CO2 Emissions: 1.60 MT of CO2 / yr

Zimbabwe Merchant Marines: NA
Zimbabwe Ports and Harbors: Binga, Kariba

ZIMBABWEAN PEOPLE

Population: 11,376,676 people
Birth Rate: 24.59 births per 1k people

Population Density: 33.00 people per sq km
Death Rate: 24.06 deaths per 1k people
**Population Growth**: 0.05 % per year  
**Fertility Rate**: 3.21 babies born per woman  
**Population Male 0-14**: 2,178,073  
**Population Female 0-14**: 2,128,287  
**Population Male 15-64**: 3,376,850  
**Population Female 15-64**: 3,268,315  
**Population Male 65+**: 213,286  
**Population Female 65+**: 211,865  
**Life Expectancy at Birth**: 36.50 years  
**Infant Mortality Rate**: 62.97 babies die per 1000 babies born  
**Life Expectancy at Birth Male**: 37.87 years  
**Life Expectancy at Birth Female**: 35.10 years  
**AIDS/HIV Rate**: 25.06 %  
**People Living with AIDS/HIV**: 1,500,000  
**People who Died of AIDS**: 160,000

**Zimbabwe Net Migration Rate**: 0.00 migrants per 1k people

**Nationality**: ZIMBABWEAN  
Ethnic Groups in Zimbabwe: African 98% (Shona 82%, Ndebele 14%, other 2%), mixed and Asian 1%, white less than 1%

**Zimbabwe Primary Language**: English

**Zimbabwe Other Languages**: English (official), Shona, Sindebele (the language of the Ndebele, sometimes called Ndebele), numerous but minor tribal dialects

**Primary Religion in Zimbabwe**: syncretic

**Other Religions in Zimbabwe**: syncretic (part Christian, part indigenous beliefs) 50%, Christian 25%, indigenous beliefs 24%, Muslim and other 1%

**ZIMBABWEAN MILITARY**

**Branches**: Zimbabwe National Army, Air Force of Zimbabwe, Zimbabwe Republic Police (includes Police Support Unit, Paramilitary Police)

**Minimum Age**: NA

**Manpower Available**: 3,057,381

**Manpower Fit to Serve**: 1,898,383

**Number of Manpower Available each Year**: 0

**Expenditures**: 350,600,000

**Expenditures as a Percentage of GDP**: 3.80
ZIMBABWE’S ZEZURU SUM GAME
The basis for the security dilemma in which the political elite finds itself
CHRIS MAROLENG

SECURITY GOVERNANCE IN SOUTH AFRICA
GAVIN CAWTHRA

WAR AND HIV PREVALENCE
Evidence from Tigray, Ethiopia
TADDESSE BERHE, HAGOS GEMECHU AND ALEX DE WAAL
ZIMBABWE’S ZEZURU SUM GAME

The basis for the security dilemma in which the political elite finds itself

CHRIS MAROLENG

Reflecting on the crisis in Zimbabwe, one is immediately struck by the preoccupation of most commentators with President Robert Mugabe and the land reform programme. Many have touted the confluence of these two issues as the main drivers of that country’s political, economic and humanitarian woes. This particular perspective, which is most dominant in the media, has captured popular attention. However, while these two factors are certainly important to understanding the current problems faced by Zimbabwe, little room has been left for the consideration of a number of underlying dynamics that have also contributed to the current stalemate. This omission encourages the perpetuation of myths and rumour, and leads to serious miscalculations in the various transition scenarios that have been mooted. One of the dynamics that has been largely omitted from the debate is the critical role played by what we have chosen to term the ‘security dilemma’ faced by Zimbabwe’s elite.

This essay will also present Zimbabwe’s political crisis as the result of attempts by the ruling elite to block the transition to enhanced democracy. Also central to the article is a conceptual framework that explains how this powerful group has responded to the threat implicit in political transformation, and how the dominant nationalist ideology represented by the Zimbabwe African National Union (Patriotic Front) (ZANU–PF) has fed into this dynamic.

Introduction

As Zimbabwe commemorated the 25th anniversary of its independence on 18 April 2005, the country’s main opposition party, the Movement for Democratic Change (MDC), found itself with little cause to celebrate. The negative mood which engulfed the opposition camp was attributable to its resounding defeat in the much-disputed parliamentary elections of 31 March 2005. The outcome of the poll revealed an opposition party that was not just shell-shocked, but one which had apparently run out of ideas. It appeared to lack a strategic vision that would guide it in its difficult task of unseating the governing party (ZANU–PF), which has been in power under its leader, Robert Mugabe, since the country attained its independence from Britain in 1980.

Even though Zimbabwe is considered a de jure democracy, credible opposition to ZANU–PF did not begin to emerge until the

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Early 1990s, at a time of growing poverty and unemployment. Only one year after its formation, the MDC won 57 seats in the 2000 parliamentary election, compared with the 62 seats claimed by ZANU–PF. Interest in the elections was strong in the urban centres, although intimidation probably reduced participation in some rural areas. The most striking feature of the voting pattern was not so much the overwhelming support shown for the MDC in the cities, but that ZANU–PF won only two seats in the Matabeleland provinces. Furthermore, the MDC gained seven seats against ZANU–PF’s six in Manicaland. That province and Matabeleland, which have in the past been the strongholds of opposition parties, voted for the same opposition party for the first time in 2000. This must have been alarming for ZANU–PF, which had made unity and the regional balancing of power among its leaders the main platform of its campaign rhetoric. The electoral outcome in 2000 made the MDC the most successful opposition party in Zimbabwe’s history as an independent state.1

The results of the most recent parliamentary polls in March 2005, however, saw the governing party securing a two-thirds parliamentary majority, winning 78 of the 120 elected seats. The MDC managed to gain only 41 seats, 16 fewer than in the 2000 elections, when it came within three seats of winning a parliamentary majority.2 The MDC has rejected the credibility of these results, claiming that the elections were rigged and that the voters’ roll was in a shambles.3 To make matters worse, the MDC maintains that the electoral playing field is skewed to the distinct advantage of the ruling party. For example, the president is authorised to appoint 30 non-constituency members to parliament (making up a total of 150 seats). As things stand, ZANU–PF finds itself very much in the ‘pound seats’, because its two-thirds majority in parliament allows it to change the constitution as it sees fit. The president and his party have been contemplating the prospect of such a move for some time now.4

Tables 1 and 2 represent the national summaries of votes and seats in the 2005 parliamentary elections.

### Table 1 National summary of votes

<table>
<thead>
<tr>
<th></th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered voters</td>
<td>5,658,624</td>
<td></td>
</tr>
<tr>
<td>Total votes cast</td>
<td>2,696,670</td>
<td>47.7</td>
</tr>
<tr>
<td>Invalid votes</td>
<td>62,025</td>
<td>02.3</td>
</tr>
<tr>
<td>Valid votes cast</td>
<td>2,634,645</td>
<td>97.7</td>
</tr>
</tbody>
</table>

*Source: The Kubatana Trust of Zimbabwe*

### Figure 2 National summary of votes and seats

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
<th>%</th>
<th>Change</th>
<th>Seats</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDC</td>
<td>1,041,292</td>
<td>39.5</td>
<td>-0.9</td>
<td>41</td>
<td>-16</td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>1,569,867</td>
<td>59.6</td>
<td>+11.9</td>
<td>78</td>
<td>+16</td>
</tr>
<tr>
<td>Others</td>
<td>23,486</td>
<td>0.9</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Appointed members</td>
<td></td>
<td></td>
<td></td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2,634,645</td>
<td></td>
<td></td>
<td>150</td>
<td></td>
</tr>
</tbody>
</table>

*Source: The Kubatana Trust of Zimbabwe*
The celebratory mood that should have marked Zimbabwe’s silver jubilee has also eluded a large proportion of Zimbabwe’s population, who find themselves in the throes of the worst social and economic depression to have hit Zimbabwe since it became independent. The current economic and political crisis has reversed the social and economic gains that the country experienced under the leadership of President Mugabe in the first decade of his administration. These positive developments were brought about by massive investment in such sectors as education and primary healthcare.

In contrast, Zimbabweans are currently faced with an economy that is nearing collapse. It is characterised by hyperinflation, rampant unemployment, food and fuel shortages, and has been rated by some economists as “the fastest-shrinking economy in the world.”

Domestic debt has trebled since February, to $1.1 billion (about R6.8 billion), and according to the Reserve Bank of Zimbabwe, foreign currency reserves now meet less than ten per cent of demand from the productive sector. Annual inflows of foreign exchange from tobacco, which is Zimbabwe’s main export crop, the sales of which began on local auction floors in April, are far below average. Experts have attributed this decline to poor crop quality and reduced output. The relative price stability of essential commodities maintained over the last year has ended, and reductions in inflation have bottomed out. Prices are said to have increased by 100 per cent since the election. The inflation figures released by the Reserve Bank of Zimbabwe at the end of April calculate inflation at less than 130 per cent but economists from the private sector believe a more accurate estimate is somewhere between 300 per cent and 400 per cent.

Zimbabwe’s political culture and legacy

The steady decline in living standards for most Zimbabweans throughout the 1990s was generally identified as one of the main reasons for the growing dissatisfaction with the government felt in society. This prompted civic groups and the Zimbabwe Congress of Trade Unions (ZCTU) to form a political party, the MDC, led by Morgan Tsvangirai, in September 1999. Judging by its track record, ZANU–PF has failed to provide the broad mass of the people with either human security or social peace, despite its nationalist rhetoric. This deficiency is examined by Patrick Bond and Masimba Manyanya in their work *Zimbabwe’s plunge: Exhausted nationalism, neoliberalism, and the search for social justice*. They argue that after two decades of independence, the country’s voters are experiencing ‘fatigue’ arising from the ruling party’s misgovernment and economic mismanagement.

Unfortunately the MDC has not been able to translate the popular discontent over the government’s policies into mobilisation in support of the opposition, which might ordinarily lead to a transition in its favour. This failure stems not only from deficiencies within the opposition, but also from extreme structural bias in the electoral process. The MDC has yet to participate in an election that can objectively be deemed free and fair, and to express the will of the people. It is ironic, particularly in the year that marks a quarter-century of independence, that the early struggle for liberation from colonial rule was based on extending the vote to all, regardless of ethnicity, race or affiliation (whether political or religious). The ZANU–PF-led government through its conduct, especially during the last three elections, seems to have disregarded this aspect of the nationalist struggle for liberation in which it took part.

But this argument may be challenged. Zimbabwe’s liberation struggle may have had the unintended effect of adding certain tendencies or ideologies to the whole nationalist movement that may account for the ruling party’s apparently revisionist and counter-revolutionary stance. It can be argued that African nationalism, seen as a social movement, was “basically hegemonic and intolerant of diversity, internal and external criticism and dissent. As a movement it was basically sweeping in what it claimed and annihilatory in what it rejected.” Ngwabi Bhebe and Terence Ranger observe:
But perhaps there was something inherent in nationalism itself even before the wars and the adoption of socialism, which gave rise to authoritarianism. Maybe nationalism’s emphasis on unity at all costs - its subordination of trade unions and churches and all other African organisations to its imperatives - gave rise to an intolerance of pluralism. Maybe nationalism’s glorification of the leader gave rise to a post-colonial cult of personality. Maybe nationalism’s commitment to modernisation, whether socialist or not, inevitably implied a ‘commandist’ state. Indeed the post-colonial state authoritarianism cannot be explained only on the basis of its being a successor to an equally authoritarian settler colonial state. Rather, the legacy of African nationalism itself tainted the post-colonial state with authoritarian tendencies.\(^9\)

This negative aspect of the legacy of liberation is particularly evident in the electoral politics of Zimbabwe. Robert Mugabe illustrated this phenomenon when he said in 1976:

> Our votes must go together with our guns; after all, any vote we shall have, shall have been the product of the gun. The gun, which produces the votes, should remain its security officer, its guarantor. The people’s vote and the people’s guns are always inseparable twins.\(^10\)

According to Sabelo Ndlovu-Gatsheni, Zimbabwe’s political culture is largely a product of four main influences: pre-colonial, colonial, the armed liberation struggle, and ZANU–PF rule.\(^11\) This same author goes on to note that the contemporary political culture of Zimbabwe “represents an articulation of these four streams. The four influences that gave birth to the Zimbabwean political culture were all undemocratic.”\(^12\) For instance, pre-colonial societies were characterised by non-competitive politics. “Competition for power was not only illegitimate, but also fatal, and often those who sought power had to found their own polity elsewhere”.\(^13\) It can be argued that this explains why, to this day, the Zimbabwean political elite regards political competition with suspicion and open hostility, as can be seen in the behaviour of ZANU–PF in the face of any political opposition, past and present. The other operative principle of pre-colonial Zimbabwean political authority mentioned by Ndlovu-Gatsheni is the idea of “life kingship or chieftaincy, an idea and practice that easily translates itself into the notion of ‘life presidency’”.\(^14\) “Colonialism that succeeded pre-colonial rule was, by definition and design, an autocratic system of governance ... It was undemocratic to the core.”\(^15\) The settler colonial government made no attempt to create democratic institutions that embraced the Africans. Political participation was severely limited and political competition was neither allowed nor tolerated. Ndlovu-Gatsheni notes:

> Colonial authoritarianism, far from deepening a commitment to democratic norms and practices on the African nationalist elite, merely consolidated an incipient authoritarian settler colonial state. The authoritarianism of the colonial era reproduced itself within the nationalist political movements. The war of liberation, too, reinforced rather than undermined this authoritarian culture.\(^16\)

A more recent influence that has shaped political culture in Zimbabwe is the nationalist liberation struggle.

Every African was expected to embrace the liberation war and every one had to toe the line. This, more than anything else, generated and institutionalised a culture of fear, conformity and unquestioning support. The guerrilla armies and the nationalist parties were never democratically structured and did not operate in a democratic fashion. They were highly commandist and authoritarian.\(^17\)

While the liberation struggle was instrumental in the country’s gaining independence, the style of rule has scarcely evolved in institutional terms. It is still characterised by intolerance,
intimidation and violence. The liberation struggle instilled in many political leaders and their supporters a militaristic conception and perception of politics and political process.

These elements in Zimbabwe’s political culture are the main reasons that many observers have argued that in the current political context the prospect of holding a free and fair election that can result in the peaceful transfer of power is unlikely if not impossible. This will probably be the case until the present style of government, which is predicated on the importance of regime security, is replaced or radically transformed. What is needed is a political dispensation that embraces a more pluralistic conception of political competition, based on democracy, human security, tolerance, rule of law, consent of the governed, and respect for human rights.

It is no coincidence that Zimbabwe’s multifaceted problems have been caused by a confluence of colonial and post-colonial experiences. The most significant contributory factors are summarised below:

• Since independence, Zimbabwe’s leadership has failed to transform the repressive colonial state structure into a democratic one. A related failure is that ZANU–PF as a former liberation movement has been unable to remould itself into a democratic government, and therefore has not fulfilled its promise, made when the country achieved independence, of political freedom for its citizens.

• The structural adjustment policies introduced by the International Monetary Fund (IMF) and the World Bank had a very weak human development component, and exacerbated poverty in Zimbabwe. A contradictory situation was created. The model of neo-liberal democracy propounded by the structural adjustment policies prescribed a weakening of the state’s role. But this came at a time when the human developmental deficits accumulated during the colonial and Cold War eras required an interventionist state. This contributed to the state’s inability to redistribute resources in a coherent and orderly manner.

• The failure of leadership in independent Zimbabwe has created patronage systems based on region, ethnicity and political affiliation. These have completely undermined both advancement based on merit and market economics. A report compiled by the author describing the discussions that took place at a workshop held by the Institute for Security Studies in 2003, contained this comment: “Zimbabwe has become a nation of accomplices joined together by ethnicity, region, political affiliation and war credentials. Government, amongst other vices, specializes in covers and cover-ups. It is for this reason that a justice system manned by kinsmen and party cadres is as evil as the Rhodesian system which was constructed along racial lines.”

The crisis in Zimbabwe is essentially structural and deep-rooted. It cannot be resolved through tinkering with peripheral symptoms or piecemeal measures. Instead it requires far-reaching, honest and all-encompassing solutions.

What follows is an attempt to establish the extent to which the insecurity felt by the regime helps to explain the manner in which Zimbabwe’s political elite has behaved in response to the political and socio-economic challenges that have brought about the country’s present state of near-collapse. This paper argues that the political elite in Zimbabwe is increasingly trapped in
an ‘insecurity dilemma’. This formulation not only supplies a reason for the uncompromising rigidity and resistance to change currently evident in the higher echelons of Zimbabwe’s government, but, equally important, it may contribute to a more realistic assessment of possible models for transition. Change has, in and of itself, become anathema to Harare’s ruling elite, a social evil that must be opposed at all costs. While it is expected as normal political behaviour that an elite should attempt to control the pace and the nature of political change, the degree to which President Mugabe and his cabinet have directed the political process goes beyond the simple perpetuation of ZANU–PF’s regime.

The security dilemma of Zimbabwe’s elite

The process of regime change in Africa, as in most of the world, has typically occurred during periods that are characterised by political and/or economic crisis. While the general expectation is that peaceful, negotiated regime change will result in more inclusive (and, many would hope, more democratic) political systems, the reality is that political change rarely occurs in a linear manner.19 However, what prompts authoritarian regimes to liberalise, to become more democratic, to accept political competition? Traditional political scholarship has often put forward expected-utility theories, and in particular used rational-choice models of decision-making as the conceptual framework most suitable to explain political behaviour. In this sense, as Nicholson points out, “actors behave in circumstances of risk as if they were maximising the expected value of some defined concept of utility”.20 Applied to Zimbabwe, this would mean that the use of violence or other means of coercion would cease when the cost of coercion is estimated as being higher than the benefits of liberalisation.21 Yet, even when faced with economic collapse, a deteriorating humanitarian situation and the increasing likelihood of social unrest, Zimbabwe’s ruling elite continues to view the use of violence as an acceptable means of attaining its political objectives. The following government statement amply illustrates this:

[The government] is fighting a Third ‘Chimurenga’. This new ‘war’ is a struggle to achieve economic justice for the black majority. The Second Chimurenga war was fought to liberate the country from the yoke of white minority rule. This armed struggle resulted in the political emancipation of the black majority, but not economic emancipation as after 1980 a tiny white settler community continued to dominate the agricultural and commercial economy. In particular, a small number of whites still owned a huge proportion of the most fertile farmland, with the black majority being relegated to poor quality land. This gross social and economic injustice could not be allowed to continue. Thus when the landless people ‘spontaneously’ invaded white farmland to register their protest against this gross injustice, Government then felt compelled to act. It thus embarked upon its fast track resettlement programme. The new political party, the Movement for Democratic Change (MDC), was formed as a front for the whites to resist the moves towards the redistribution of the economic assets of Zimbabwe. Britain and other European powers are sponsoring the MDC because they wanted to protect the property rights of whites and are vigorously opposed to the expropriation of white-owned farmland. These Governments are also waging a vicious propaganda campaign against Zimbabwe. The Government was justified in taking all necessary measures to prevent the MDC and its Western allies from denying the black majority the economic justice they cried out for. It was perfectly justifiable to use necessary force to overcome resistance to the transformation of the economy in favour of the black majority to achieve economic justice. After all, the colonial regime had violently dispossessed the black majority of their land and had brutally suppressed them for many decades.22
The implications of universal jurisdiction for the elite

Zimbabwe has historically been characterised by a culture of impunity that allows those in power to use it without restraint. This has continued from colonial times, through the Smith regime, the Gukurahundi massacres in Matabeleland and Midlands in the 1980s, to the more recent wave of organised violence and torture, particularly since April 2000.23 It has been argued that the impartial application of justice will convey the message to present and future generations that perpetrators of politically motivated acts of torture and assault will be held accountable and punished. Such a message could presage an end to the cycles of political repression and violence that have afflicted Zimbabwe for decades.24

Very few countries have constitutional provisions that allow for the prosecution of sitting presidents. Furthermore, the international norm has tended to protect a head of state and, in certain instances, government officials, giving them immunity from prosecution while in office. The modern trend seems to run contrary to this, especially when the state takes the dual principles of accountability and transparency seriously. There is also the possibility that a head of state may face two kinds of prosecution. While an agreement may be made to grant amnesty to perpetrators of gross human rights violations (notably Mugabe himself) in order to smooth the political transition and act in the spirit of reconciliation, national amnesties do not protect individuals from international prosecution. Charges can be brought either by other states, using the principle of universal jurisdiction, or by the recently established International Criminal Court. This prospect, in and of itself, has contributed to a heightened sense of vulnerability in Harare’s inner circles. Undoubtedly this has been the reason for their increasingly inflexible attitude towards negotiation with the MDC.

The now internationally accepted trend to hold heads of state and other government officials accountable for their actions after their term in office has ended has been most evident in the cases of Augusto Pinochet and Charles Taylor, which are discussed below. According to the developing international legal position on crimes against humanity (including other gross human rights violations such as torture), no immunity can be granted for such crimes, there is no statute of limitations, and any state can try offenders in terms of international law.

Article 27 of the Rome Statute reads:
Irrelevance of official capacity

1 This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

2 Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

Crimes against humanity

The concept of crimes against humanity is well established in international law, even though it is rarely enforced in practice. From the 1946 Nuremberg trials onwards, the definition has been expanded and formalised in a number of international instruments. These include the UN Universal Declaration of Human Rights (1948); Common Article 3 of the Geneva Convention (1949); the UN Convention on the Prevention and Punishment of the Crime of Genocide (1951); the UN International Covenant on Civil and Political Rights (1966); the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and finally, Article 7 of the Rome Statute of the International Criminal Court (1998).
According to the Rome Statute, crimes against humanity are inferred when any of the following acts, carried out in peacetime, are “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”:  

- murder;  
- extermination;  
- enslavement;  
- deportation or forcible transfer of population;  
- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;  
- torture;  
- rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;  
- persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognised as impermissible under international law;  
- enforced disappearance of persons;  
- the crime of apartheid; and  
- other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

**Universal jurisdiction**

Normally, jurisdiction over a crime depends on a link, usually territorial, between the prosecuting state and the crime itself. But, as one leading jurist said, “in the case of crimes against humanity that link may be found in the simple fact that we are all human beings”  

To quote the words of Geoffrey Robertson, QC:

> The concept of universal jurisdiction for crimes against humanity is the solution that international law offers to the spectacle of impunity for tyrants and torturers who cover themselves with domestic immunities and amnesties and pardons. They can still hide, but in a world where jurisdiction over their crimes is universal, they cannot run. But even when hiding in foreign countries, tyrants and torturers can be assured of safety only while their host governments remain in power. A pragmatic reason that international law provides for universal jurisdiction is to ensure that there is no safe haven for those responsible for the most serious crimes.

Article 27 of the Statute of the International Criminal Court states that no government official, elected or otherwise, shall be immune or exempt from “criminal responsibility under this Statute”. Furthermore, article 29 stipulates that “the crimes within the jurisdiction of the court shall not be subject to any statute of limitation”. While Zimbabwe has not ratified the statute and is therefore not bound by it, ratification by a future government in Zimbabwe or jurisdiction granted through a UN Security Council resolution could mean that those responsible for directing, inflicting or condoning torture and like crimes might well find themselves before a court. Alternatively the perpetrators will have to spend the rest of their lives under threat of prosecution.

The Pinochet case established, as a historic precedent, that former heads of state and their officials are no longer immune from international prosecution for crimes against humanity committed while in power. The most striking feature of the Pinochet case was that under the rule of universal jurisdiction a Spanish judge had the authority to order Pinochet’s arrest for crimes committed mostly in Chile, and mostly against Chileans. In terms of universal jurisdiction, every state has an interest in bringing to justice the perpetrators of particular crimes of international concern, no matter where they were committed, and regardless of the nationality of the perpetrators or their victims. This is primarily because, in international law, the perpetrators become *hostis humanis generis*, or ‘enemies of all mankind’.

In the last ten years there have been remarkable developments in international justice, particularly in the application of international, conventional and customary laws regarding genocide, war crimes and crimes against humanity. The latter include torture...
and other crimes committed against civilians as part of a widespread or systematic process introduced by a state or government. The following events are particularly significant in the international human rights regime:

- the establishment in quick succession of international criminal tribunals for the former Yugoslavia, Rwanda, East Timor and Sierra Leone and the subsequent stream of indictments, trials and convictions under these tribunals;\(^{32}\)
- the arrest of General Pinochet in 1998 under the principle of universal jurisdiction; and
- the establishment of the International Criminal Court in April 2002.

The indictment in June 2003 of Charles Taylor for war crimes by a Sierra Leonean court and the subsequent request for his extradition from Ghana are not good omens for President Mugabe and several of his senior officials.

**Justice versus political expediency?**

As a result of the above, a dilemma arises, particularly for authoritarian and undemocratic political cabals confronted with the possibility of change. This centres on whether they should reach an accommodation with opposition forces when there can be no guarantee of immunity from prosecution. In Zimbabwe, the spectre of the prosecution of ZANU–PF’s most prominent members for gross human rights abuses has created a feeling of insecurity in their minds, particularly President Mugabe’s. To a certain extent this may help to explain the unwillingness of the political elite to share power, contemplate the possibility of a government of unity and national reconciliation, or negotiate a peaceful change. This phenomenon is referred to in this article as “the insecurity dilemma of the elite”.

Transitions of the kind Zimbabwe is facing present negotiators with the problem of balancing the need for justice for the victims with the needs of the perpetrators for amnesty and/or immunity from prosecution. In Zimbabwe, negotiators or would-be negotiators are faced with the added pressure that a transition is urgently required to bring the country out of its political and economic quagmire. Yet, is it possible to grant exemption when there are strong *prima facie* grounds for charging the Mugabe regime with gross human rights violations? These have involved “the concerted conduct of many and [are] liable to involve the complicity of the officials of the state in which they occur, if not of the state itself”.\(^ {33}\) How is it possible to bring the regime to the negotiating table without making concessions that compromise justice? On the other hand, how can those managing the negotiations prevent justice itself from holding Zimbabwe’s political change to ransom? Is it simply a matter of a clash between principle and expediency?\(^ {34}\) Another consideration is that, while political pragmatism may lead those who will negotiate Zimbabwe’s political future to reach an internal compromise by granting amnesty and immunity to members of the regime, there can be no guarantees that crimes committed by them will not be prosecuted outside the borders of Zimbabwe.

One solution to the problems of balancing the principle of justice against that of political expediency is to separate the issues of transition and accountability. For Zimbabwe, the current economic and political crisis requires solution without delay. This does not and should not mean that investigations should not take place, or that crimes against humanity should not be examined. While there should never be a trade-off between addressing the regime’s history of gross human rights violations and finding a political and economic solution to the country’s crisis, actions to redress human rights violations should wait until the transition has been negotiated. At this stage, accountability should not be made a matter for negotiation, but be left to the (as yet hypothetical) new democratic regime to decide.

If progress is to be made in moving Zimbabwe on from its current stalemate, negotiations will have to take place between the two main political parties. To most observers, a negotiated settlement between these parties offers the best way forward. According to a
report by the International Crisis Group, “the overwhelming priority must be to get talks started in order to avert a further meltdown in Zimbabwe”. Indeed, negotiations would appear to be the only way out of the impasse. Moreover, recent conciliatory comments by President Mugabe seem to indicate that he may be ready for talks with the MDC, whose leaders he referred to as “fellow sons of the soil”.

However, the possibility of successful negotiations is being jeopardised by factionalism within the ruling party. The internal divisions within ZANU–PF are related to the unresolved questions of presidential succession and the leadership of the party after Mugabe’s term expires. These stand in the way of any progress towards talks. Until these internal issues are addressed, the likelihood of the party’s accepting real change through negotiation is, at best, slim. Therefore, if the leaders of ZANU–PF are truly concerned about extricating their country from its present decline, they must act to resolve the leadership question swiftly.

**Zezuru sum game, or zero sum game?**

The parliamentary poll, far from providing an all-encompassing solution to Zimbabwe’s multifaceted crisis, has simply emphasised the unconstructive nature of this country’s adversarial and typically intolerant political culture. The two main political parties have emerged on the other side of the electoral tunnel more unstable than they were when they first entered the electoral contest. Unfortunately there still seems to be no obvious solution.

Using games theory, we learn that “a situation in which the winning of some players must equal the losses of the other is described as a ‘zero sum game’”. In a zero-sum game “the total benefit to all players in the game, for every combination of strategies always adds up to zero”. Within a political context, zero sum games are mentioned when it is believed that resources are limited and every decision will produce both winners and losers, that is, that only some players will benefit. In such situations political decisions will be made on the basis of trade-offs between competing interests.

It is argued that the situation in Zimbabwe is not just a zero sum game, but also one in which the gains of Mugabe’s Zezuru faction and their allies (to be discussed in greater detail below) must be matched by the losses to their intra- and inter-party rivals in order to address their security dilemma, resulting in a ‘Zezuru sum game’. In this context the net change in total gains by society and many key political actors is zero. Instead, political and economic gains are just shifted from one political group to another.

**The Zezuru sum game**

Even though ZANU–PF emerged from the 2005 elections with a two-thirds majority in the legislature, this party is still far from feeling secure. Internal faction fighting has opened up serious cleavages within it that are based mainly on ethno-linguistic considerations. This became apparent in December 2004 at the ZANU–PF congress, in what has been dubbed ‘the night of the long knives’, when a predominantly Zezuru faction, led by a prominent party figure, Solomon Mujuru, put pressure on the party to elect a woman (Joyce Mujuru) as one of Mugabe’s two vice-presidents. This move was intended to block the candidacy of his party rival, Emmerson Mnangagwa, for the same position.

Acting on behalf of Mnangagwa, Jonathan Moyo, formerly the party’s information minister, supported by six other leading party officials, led a campaign to prevent the appointment of Joyce Mujuru. At a meeting in Tsholotsho Moyo’s group and younger members of the party framed what became known as the Tsholotsho Declaration. This expressed their implied criticism of Mugabe’s choice by demanding that a younger candidate replace Vice-President Msika. Observers were of the opinion that the Tsholotsho meeting was nothing less than an attempted palace coup, which, if successful, would mean that all
positions in the presidium would be filled by Emmerson Mnangagwa or his supporters. (The Karanga faction, led by Mnangagwa, have long “felt that it is their tribe’s ‘time to eat’, since the Zezurus have since independence controlled most of the national cake.”

Most of the prominent members of Mugabe’s inner circle and of his allies, the Mujuru faction, hail from the Zezuru sub-group, while the more populous Karanga ethno-linguistic group, led by Mnangagwa’s faction, has been marginalised.) In fact, the Zezuru Mujuru faction has consolidated its advantage over the Mnangagwa camp by forging alliances with influential Ndebele politicians such as the current parliamentary speaker and ZANU-PF chairman, John Nkomo.

The campaign against corruption launched by the Mugabe government must also be seen as a political move against certain factions in his own party. Most of those who have been implicated in corruption scandals have indirect links with Mnangagwa. They include three directors tied to ZANU–PF companies, Dipak Padya, Jayant Joshi and Manharlal Joshi, who have fled to the UK. In August 2004, the government seized a mining empire owned by Mutumwa Mawere, a businessman who built his empire on Mnangagwa’s political patronage. It should also be noted that Solomon Mujuru is a key member of the committee probing ZANU–PF companies.

The marginalisation of other factions in the ruling party has opened the way to a post-election realignment within ZANU–PF, which has seen the balance of power shifting further in favour of the Zezuru faction. This has occurred at a time that the fortunes of the political opposition in Zimbabwe have declined. The result has been that this elite cabal has acquired almost hegemonic dominance of Zimbabwe’s political economy, which is why the author describes governance in Zimbabwe as a ‘Zezuru sum game’. This term indicates the dominance of the Zezuru faction in a political environment that lacks political force, either within or outside ZANU–PF, that can act as a counter-balance. The most negative feature of this situation is that, given the general political and economic environment in Zimbabwe, its citizens are unlikely to benefit from it.

A notable illustration of the Zezuru sum game being played by Mugabe is the deliberate allocation of key positions in government and the ruling party to members of this faction. It can be assumed that the rationale has been to create an unchallengeable position for the Zezuru faction. It will also bring it a step closer to acquiring absolute control of the ruling party and all the other important institutions of the state (the executive, the legislature, the judiciary and all the security agencies). The Zezuru sum game can therefore be seen as a move by Mugabe and his close associates within this faction to address their security dilemma by gaining total dominance. Placing trusted faction members in strategic positions would provide protection from political rivals and from the threat of prosecution in the future. This would also enable them to manage the pace of political transformation and avert any unforeseen transfer of authority. In other words, a situation has been engineered in terms of which the Zezuru and its allied factions at the core of the government and ZANU–PF will ultimately decide who gets what, when and how. The danger is that the dominance of the Zezuru in government and in the ruling party may exacerbate inter-ethnic tensions, as various other factions (which are also sometimes aligned along ethnic affiliations) challenge the dominance of the Zezuru claque. Such struggles for power within the party may further hamper efforts to find a negotiated solution to the crisis in Zimbabwe.

On a more positive note, and developing an argument diametrically opposed to that given above, some analysts have speculated that ZANU–PF’s parliamentary majority and the Zezuru faction’s dominance will allow President Mugabe and his party to overcome their insecurity. ZANU–PF now has a sufficient majority in parliament to amend the constitution without hindrance from the opposition. (The MDC opposed amendments to the constitution after they entered the legislature after the 2000 parliamentary elections.) Observers anticipate that when parliament reconvenes on 9 June 2005, the ruling party will amend the constitution to...
create a senate and possibly a new post (of executive prime minister), which will allow Mugabe to retire to a largely ceremonial presidency and serve out his term, which expires in 2008, in this role. The idea of his reverting to a largely symbolic role has long been mooted, even in discussions with the MDC. This, and the appointment of an executive prime minister to handle the important affairs of government would open an avenue that would accommodate a continuing role for Mugabe as ‘Father of the Nation’ while permitting shifts in policy that would respond to some of the most pressing concerns of the international community. This would provide the sort of security guarantees that would allow the ageing president to make a graceful exit from the political scene in 2008. Some observers have pointed out that even if Mugabe has no intention of giving up his power to an executive prime minister, pressure from powerful members of his faction such as Solomon Mujuru may force him to comply.

Even more important, the alleviation of its insecurity dilemma in this fashion would result in the ruling party’s becoming more confident about engaging in a robust dialogue with the opposition on the way forward for Zimbabwe. Previously, talks between the two main political parties failed because ZANU–PF wanted to enter them from a dominant position, and because the party’s leaders were too preoccupied with internal power struggles to be focus in any meaningful way on inter-party dialogue.

Returning to an earlier point, it is the opinion of a number of analysts that President Mugabe and ZANU–PF were unwilling to make the sort of concessions that the MDC were calling for if the two parties entered into talks from an almost equal footing. It is also generally agreed that the political context following the 2002 presidential elections placed both parties on such a level. It can therefore be assumed that at that time Mugabe and his party officials did not have any guarantee of continued security in the event of a negotiated transition, whereas the situation in 2005 is very different. Speculations are that Mugabe might use the newly consolidated position of the Zezuru faction at intra-party level and the dominance of ZANU–PF in parliament at inter-party level as a platform from which to strike a favourable deal with the opposition. ZANU–PF could extend an olive branch to the MDC, thereby proving that it too is capable of reconciliation. In this way, the ruling party could mollify its critics under the rubric of ‘the national interest’, though what effect such a move would have on the MDC’s future as a political party is moot.

It is almost a given that Mugabe, being the astute politician that he is, would have calculated that a settlement between a re-committed and united leadership with a two-thirds majority and a greatly weakened opposition party would result in some sort of power-sharing. Such a solution could have the added effect of addressing the government’s perceived lack of political legitimacy, which in turn would allow the president to present a more acceptable face to both the region and the international community. Again, this would open up the possibility of re-engaging with the West and applying for badly needed overseas development assistance from Western-controlled institutions such as the World Bank and International Monetary Fund (IMF).

**The zero sum game**

The Zezuru sum game may yet turn into a zero sum game, as the president and ZANU–PF have not yet extended the olive branch to the MDC. The anticipated rapprochement between Zimbabwe’s main parties might have been indicated by an invitation to senior members of the MDC to take up positions in the cabinet, and the creation of some sort of power-sharing arrangement. This has not occurred. Another sign of conciliation would have been indicated by an announcement that formal talks with the MDC were imminent, but this has not happened either. Instead we have seen a triumphant president and ruling party who have used the commemoration of Zimbabwe’s independence to thumb their noses at the opposition and the international community.
Even worse, the MDC has announced that it is cutting all links with the South African government (whose representatives have acted as would-be interlocutors or mediators between the two parties), claiming that the South Africans were not honest brokers. This has created a situation that further reduces the possibility of a regionally led initiative to solve the crisis.

However, all is not yet lost. This situation may open up the possibility of an internally driven solution. The appointment of John Nkomo as the new Speaker of Parliament is seen by some analysts as an indication that President Mugabe may be considering creating an executive prime ministerial position that could be filled by the moderate Nkomo. Speaking at the opening of parliament, Nkomo demonstrated his awareness of the dire state of the country when he said, “This is the most difficult period in Zimbabwe’s history.”

Lessons to be learnt from Zambia’s political transition

In many situations of transition, like that in Zambia in the early 1990s, the opening up of political space is supposed to empower the masses by removing the monopoly of political power hitherto enjoyed only by the elite. In Zambia the primary motivation for change was the introduction of political pluralism to what had previously a one-party state. The change to a multi-party political system was seen as the most important indicator of sustainable political change that would be based on the rule of law and respect for human rights.

Zambia was heralded as a model for democracy after the peaceful transfer of power in November 1991, when the Movement for Multi-Party Democracy (MMD) and its leader, Frederick Chiluba, gained a landslide victory over President Kenneth Kaunda and his United National Independence Party (UNIP). The MMD government, which inherited weak state institutions and a history of human rights abuse from the previous administration, came to power on a platform that promised to uphold democratic principles. However, most political observers would agree that Zambia has not lived up to these undertakings in the last decade, even if a progressive path towards democratic transition has been laid down. The reason appears to be that political liberalisation in Zambia came about as the product of domestic and international pressure for political reform. Yet the internal political environment lacked truly committed leaders and political parties with either the vision or the capability to carry out the necessary political and economic restructuring. The flawed elections held in 1996 had contradictory implications for democracy: they undercut consensus, reinforced apathy in voters, and raised concerns about the abuses committed by elected leaders. These developments seem to confirm that Zambia is a conventional example of a country where a period of political liberalisation has been followed by a narrowing rather than an opening up of political options.

Zimbabwe should learn from the experiences of countries that have gone through a process of political transition. The argument here is not that any particular foreign experiment will be particularly applicable to Zimbabwe, but that the Zimbabwe could profit from an analysis of the successes and mistakes of other countries. At the same time negotiators hoping to craft Zimbabwe’s transition will have to develop models that address the insecurities of the elite while ensuring justice for those who have been wronged. The two need not be mutually exclusive. The onus is on negotiators, interlocutors and policymakers to come up with more creative models of transition that will make progress possible.

Avoiding a transition that is flawed

First and foremost, Zimbabwe’s political transition must succeed. It should be centred on the creation of a more viable democratic political system through the introduction and successful implementation of political reforms. Many analysts have argued that reconciliation
and national unity should be the means through which a country stabilises its political situation. The central vehicle through which this could be achieved would be a government of unity and national reconciliation (GUNR), comprising members of ZANU–PF and the MDC. The logic behind this form of government is that equitable participation will diminish the risk of conflict and improve the prospects for national stability, integration and development, because it is assumed that a major source of instability is the exclusion of prominent political players from the structures and processes of governance.

This position does not take into account other dynamics such as ideological differences and the easing of inter-party relations. Zimbabwe has had several experiences of coalition governments that were intended to bring about national unity. These include:

- the 1978 Muzorewa/Smith Zimbabwe–Rhodesia coalition;
- the 1980 independence government; and
- the 1987 ZANU/PF–ZAPU unity government.

The shared feature of these three examples is that they followed periods of severe conflict, and were thus aimed at buying peace at any cost. All three ultimately failed to meet the objectives they espoused. The 1978 arrangement faltered because it was state- and not people-driven, and was therefore unable to address the concerns of the majority of Zimbabwe’s population. The 1980 government did not address some of the key structural issues that had led to the liberation struggle (including the land question and the economic marginalisation of the black majority). The 1987 coalition simply integrated the ‘vanquished’ into the ruling party without in any way attending to the causes of the conflict between ZANU and ZAPU.

These examples are instructive in that they demonstrate the dangers and limitations of a parochially-defined government of national unity. Fundamentally, all of these shared arrangements were unable to build durable peace, because for unity to become a reality it must grow from the bottom up: from the people on the ground. To accomplish that, any form of transitional process adopted in Zimbabwe must break down the structural barriers preventing the economic and political participation of ordinary citizens. The most vital issues that must be addressed to resolve the country’s ills must therefore go beyond a discussion of power sharing. Any process initiated to solve the multi-layered national crisis should include a participatory and comprehensive review of the constitution and of the country’s electoral laws and institutions. These reviews should involve the full participation of civil society, political parties, the business community and faith-based organisations, and their recommendations should include provision for a comprehensive and equitable redistribution of resources. Afterwards preparations for fresh national elections should begin, and a truth, justice and reconciliation body that interrogates Zimbabwe’s past and present injustices should be established.

**Conclusion**

The current dilemma facing the Zimbabwean elite has arisen out of uncertainty and fear of prosecution. This group’s need to secure itself and the state against change has worked both ways. It has, attempted to preserve itself by excluding alternative political and social influences but it has created a protective iron cage that imprisons its members.

The dangers faced by the political elite in Zimbabwe can be expressed in another way. As Ayoob puts it: “[I]n most Third World states there are competing forces of authority, usually weaker than the state in terms of coercive capacity, but equal or stronger in terms of legitimacy.” This greater credibility of political forces outside government leads to greater domestic insecurity for the ruler, creating “vulnerabilities that threaten to, or have [the] potential to, bring down or significantly weaken state structure, both territorial and institutional[,] and regimes.” One implication of this theory is that transitional times in authoritarian states such as Zimbabwe are
especially difficult for the governing regime, as they become exposed to domestic challenges. If this is true, then one can expect that in such periods as the one that Zimbabwe is currently facing, the elite will turn to repression of political opposition and co-optation as a means of addressing its insecurity and regaining legitimacy. However, this may well be counter-productive: the desire for legitimacy and increased security may well push the elite back into its iron cage and stall any prospects that justice and a negotiated political settlement may prevail. The words of James Der Derian encapsulate the current situation in Zimbabwe: “A safe life requires safe truths. The strange and the alien remain unexamined, the unknown becomes identified as evil, and evil provokes hostility - recycling the desire for security.”

To avoid recycling old insecurities that may very well result in the perpetuation of the current political stalemate, there is a need to balance the desire of the victims of the regime for justice against the wishes of the perpetrators for amnesty and/or immunity from prosecution. Failure to balance these contending needs could result in the principle of justice becoming a retardant to Zimbabwe’s political transformation. One solution to the problem is to separate the issues of transition and accountability. For Zimbabwe, there is an urgent need to solve the current economic and political crisis. Therefore it is a question of deciding whether calling to account those responsible for the regime’s appalling history of gross human rights violations is as imperative as finding a political and economic resolution to its woes.

Notes

3. As the results were published, the MDC denounced what it called “the sham elections”, which it said had been marked by massive electoral fraud. “The elections cannot be judged to be free and fair,” an MDC statement said. “The distorted nature of the pre-election playing field and the failure to address core demo-

ocratic deficits preclude a free and fair election.” The MDC claimed that it would have won 90 seats if the election had been conducted correctly. See Zimbabwe parliamentary elections, 2005, <www.answers.com/topic/zimbabwe-parliamentary-elections-2005>, 03 August 2005.
4. The results showed the same patterns as in 2000. The MDC won virtually all the seats in the main cities, Harare and Bulawayo, where the civil society organisations are relatively strong and able to prevent electoral manipulation. The MDC also won a majority of seats in the southern region of Matabeleland, where the Ndebele people, once supporters of the late Joshua Nkomo’s ZAPU, continue to oppose the Shona-dominated ZANU–PF. But in rural Mashonaland, in central and northern Zimbabwe, where the majority of the population lives, ZANU–PF won all but one seat, <www.answers.com/topic/zimbabwe-parliamentary-elections-2005>. 6 July 2005.
8. Ibid.
10. These sentiments expressing his view of electoral democracy were uttered during a radio broadcast from Maputo in 1976. This view camouflages a basic contempt for electoral democracy in that it is actually saying the gun is the more important of the “inseparable twins’. If the twins have to be separated, the vote is readily sacrificed for the gun. ZANU–PF has demonstrated this philosophy ever since it attained power in 1980, although admittedly this was power guaranteed it by its control of the gun. Zimbabweans have, therefore, been held hostage to the gun ever since Independence. The ZANU–PF regime consolidated itself in the 1980s through the use of the gun that crushed the rival PF–ZAPU and culminated in the forced Unity Accord of 22 December 1987. In each successive election since independence, the gun has been the ‘security officer’, the ‘guarantor’ of the votes for Mugabe and ZANU–PF who have not hesitated to use it. ZANU–PF’s commitment to the use of the gun has increased as its popularity has decreased, particularly since the party was
defeated in the referendum held in February 2000 and the advent of a formidable opposition party in the MDC. For a more detailed discussion of this topic, see the late great Masipula Sithole’s The fight for democracy needs commitment to democracy, Financial Gazette, 6 January 2002, <www.zimbabweinformation.com/june14_2002.html>.


Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.


25 Statute of the International Criminal Court; Rome Statute Article 27.


27 Ibid.

28 Statute of the International Criminal Court; Rome Statute Article 27.

29 Statute of the International Criminal Court; Rome Statute Article 29.

30 Ex parte Pinochet Ugarte (No 3) (1999).

31 See The Pinochet precedent: How victims can pursue human rights criminals abroad, March 2000. Human Rights Watch, <www.hrw.org/campaigns/chile-98/brochfln.htm>, 03 August 2005. Similarly, in the civil action brought by torture victims and relatives of the ‘disappeared’ against ex-President Marcos of the Philippines, the court rejected, on the same grounds, his plea for immunity. Yet we should point out that the prosecution of crimes against humanity is not a simple affair. A P Reeler has articulated the position as follows: “[T]here remains a very strong attitude amongst the political forces of the world, with the United States foremost in this view, that a certain amount of immunity is necessary for political action to take place. Means–ends analysis, in this view, requires that hard decisions must sometimes be made that contradict human rights considerations. This is clearly argued in the ‘war against terrorism’, and has been argued for years by Israel in their conflicts with terrorism or guerrilla war: torture has even been justified once by the Israeli Supreme Court, although it has now rescinded this view. Nevertheless, the Pinochet judgment gives us some guidance in this respect as it is clear from the Law Lords that the modern meaning of crimes against humanity is that such crimes offend against all peoples and cannot be seen as merely domestic matters. Again, as Lord Millet stated: ‘Since the Second World War states have recognized that not all criminal conduct can be left to be dealt with as a domestic matter by the laws and the courts of the territories in which such conduct occurs. There are some categories of crime of such gravity that they shock the consciousness of mankind and cannot be tolerated by the international community. Any individual who commits such a crime offends against international law. The nature of these crimes is such that they are likely to involve the concerted conduct of many and [is] liable to involve the complicity of the officials of the state in which they occur, if not of the state itself. In these circumstances it is desirable that jurisdiction should exist to prosecute individuals for such conduct outside the territory in which such conduct occurs’. (Millet, ex parte Pinochet, (3), 1999.) Examples of successful use of the concept of international jurisdiction to prosecute heads of state include the former prime minister of Rwanda, Jean Kambanda, who was sentenced to life imprisonment in 1998; ex-President Hissene Habre of Chad, who was prosecuted in 2000; and Prime Minister Ariel Sharon of Israel, indicted by Belgium in 2001 for the Sabra and Shatila refugee camp massacres when he was defence minister in 1982. Other prosecutions include senior military leaders such as Colonel Tharcisse Muvunyi of
Rwanda, arrested in Britain in 2000 and extradited to face charges of crimes against humanity; and more lowly militia leaders such as the Bosnian Serb Dusko Tadic, who was sentenced in 2000 to 20 years’ imprisonment.


36 Ibid.


This is a complex description of the zero-sum game, which is an aspect of game theory. In addition to the definitions and theoretical background, the author includes examples of zero-sum games. See also Von Neumann and Morgenstern, op cit, 3rd edition, 1953.


39 Ibid.

40 Ibid.

41 Ibid.

42 Ibid.

43 Ibid.

44 Ibid.

45 ZimOnline, *New Speaker extends hand of peace to MDC*, 13 April 2005. The ZANU–PF party chairman, John Nkomo, took up the parliamentary speaker’s chair with a call on the government and the opposition to co-operate and focus their energies on national issues. “I take over during the most challenging time of turning around the economy. We will seek to consolidate efforts made to transform the institution from a colonial to a modern democratic institution.” Political analysts say the loss of influence by radicals like the former state propaganda chief, Jonathan Moyo, and the former Justice Minister, Patrick Chinamasa, to doves like Nkomo and Joyce Mujuru could pave the way towards a negotiated political settlement between the government and the MDC. Significantly, the MDC did not oppose the nomination of Nkomo to the speaker’s chair, and the opposition party’s vice-president and leader in the House, Gibson Sibanda, paid surprisingly glowing tribute to him on his appointment to head parliament. Sibanda said: “I worked with John Nkomo when he was President of the International Labour Organisation. I experienced your firmness and principles during that time and I hope you will use the same to lead this august House. I know that you are fair-minded and as the MDC, we congratulate you for being elected speaker of parliament,” www.zimonline.co.za, 03 August 2005.

47 Ayoob, op cit.

In the ten years since the establishment of South Africa's first inclusive democratic government, an ambitious, extensive and systematic process of reform has been carried out in the governance of security. The process is widely regarded as having been successful and a model for other processes of ‘security sector reform’ in the context of transitions from authoritarian forms of governance to democratic ones.

That this has been achieved with hardly a shot fired in anger is a remarkable achievement and a credit to visionary political leadership as well as organisational capacity, in other words to effective security governance.

At the same time, progress has been uneven and sometimes fragmentary, policy intentions and commitments have not always been translated into practice, the end results have not been to everyone’s liking, and transformation has engendered its own pathologies. Thus several challenges remain in improving security governance.

This article provides a broad overview of the roles played by the various actors in the governance of the security sector, including the executive, parliament and civil society. It examines the main policy frameworks and touches on organisational transformation, because it is impossible to deal with governance in isolation from these issues. Policy processes and the frameworks they give rise to - in particular - are critical for effective governance. This article deals with the defence, safety and security and intelligence fields. A comprehensive overview would need to include the governance of criminal justice and foreign policy. The article does not seek to make an overall evaluation of governance, but to identify achievements, shortfalls and challenges.

**National security governance**

**Policy**
A broad framework for improving national security and ending civil conflict was put in place during the transition to democracy as a result of a ‘pacted’ agreement between the major actors – chiefly the African National Congress (ANC) and the outgoing apartheid regime – in which normative principles relating to human rights,
political conduct and the ‘rules of the game’ for the transition were agreed. These included a National Peace Accord, which set out norms for the conduct of political parties as well as the police; joint executive control in the lead-up to the election through the establishment of a transitional government; an early agreement that all combatants and soldiers answering to political parties who were involved in the negotiations would be integrated into a single national defence force; and agreement on the (limited but critical) role of external actors and the active involvement of civil society. Many of these principles were incorporated into an interim constitution that received wide support. At the same time the transitional government sought to demilitarise relations with neighbouring states.

During the Mandela presidency, security policy, including its foreign policy dimensions, was highly normative. Principles of democratic governance, human rights and constitutionalism dominated policy discourses in all areas, although this was strongly inflected with the overriding requirements for ‘transformation’.

Under the Mbeki presidency, realpolitik has become a more dominant trend in foreign as well as domestic security policy and the emphasis has been on implementation. Promotion of human rights and democratisation agendas internationally have given way to a concentration on conflict-resolution, peacekeeping, good governance and the promotion of national interests. Domestically, the focus has been on the ‘war against crime’. Transformation, however, has remained an overriding concern, democratic governance has been consolidated, and none of the normative intentions have been abandoned, even if they have sometimes been difficult to put into practice.

Since 11 September 2001 and the resultant ‘war against terror’, South Africa’s security policies have had to be realigned to deal with these new global realities. Government is currently undertaking a review of national security policy, in part in response to these developments.

**Control and oversight**

Security decision-making has become increasingly centralised in the Office of the President, which has been provided with dedicated intelligence, policy and foreign affairs capacities. The somewhat ad hoc decision-making processes of the early post-apartheid period (which gave rise to some ill-prepared actions, such as the intervention in Lesotho in 1998) have been replaced by a much more coordinated system for national security management.

Mbeki’s government has introduced a more integrated process for executive decision-making through ‘clustering’ various ministries into cabinet committees. The two key clusters for security governance are International Relations, Peace and Security (IRPS) and Justice, Crime Prevention and Security (JCPS). The basic division of labour is that the IRPS is responsible for external security and the JCPS for internal security, although there is some overlap of membership and issues. Day-to-day management of security is also carried out by the Inter-Ministerial Security Committee (IMSC), involving the relevant ministers.

In addition, a National Security Council, consisting of senior ministers and officials, has been set up to make key decisions on high-impact security issues, be they internal or external. However, it meets irregularly to deal with specific crises: it is essentially a crisis management tool and is not involved in day-to-day management or policy.

None of these structures has threatened the normal processes of government or undermined the systems of accountability and (sometimes limited) transparency built into South Africa’s democratic system. However, some concerns have been raised about the centralisation of decision-making in the presidency, and these appear to have led to tensions between the presidency and ministerial or departmental functions (for example on key foreign affairs issues, or commitments to deploy peacekeeping forces).

The ‘cluster’ system is replicated at the level of senior officials, promoting coordination on security issues, and some dedicated inter-departmental offices have been set up to further promote coordination and enhance effective decision-making, such as the National Office for the Coordination of Peace Missions (NOCPM) and the Counter-Intelligence Forum, which deals with threat analysis.

All the security functions (including intel-
intelligence, although with some limitations) are subject to normal government auditing procedures and to scrutiny from the Parliamentary Standing Committee on Public Accounts (SCOPA). In addition, they are subject to oversight by the human rights monitoring agencies set up in terms of Chapter 9 of the South African constitution, such as the gender and human rights commissions.

**Defence governance**

**Policy initiatives**

During the negotiations that preceded the political transition, a broad set of principles relating to defence and security had been agreed by the various parties, relating in particular to democratic political control, human rights issues, peaceful relations with neighbours, professional non-partisan and properly equipped security forces, and the principles governing the integration of forces and the treatment of previous human rights abuses. Some of these principles were also entrenched in the interim constitution.

However, it was clear that these were insufficient as policy guidelines for the Department of Defence (DoD) and the new minister, Joe Modise, almost immediately implemented a process to produce a White Paper on Defence. Because of lack of capacity in the department, this was written largely by a civil society advisor and involved a protracted consultative process, in which parliament played a prominent role (see below).

The White Paper, pointedly entitled ‘Defence in a Democracy’, was adopted unanimously by parliament in 1996. Much of it was taken up with elaborating principles of democratic control and specifying the roles and functions of the various actors. It also established a set of principles governing the overall approach of the state to security, which could be summed up as a human security approach domestically and a collaborative security approach externally. It specified the roles and functions of the defence force – formulated in classic terms as defence against external aggression, although ‘secondary roles’ such as international peacekeeping, border protection and support to the police were provided for. The paper was consciously normative and principled and sought to ensure that the defence function was governed in a by-the-book democratic manner. At the same time, many of these principles were being debated in the Constitutional Assembly and were eventually incorporated into the constitution. The White Paper thus remains the guiding policy framework for the DoD.

With this policy framework in place, the DoD embarked on a defence review, the aim of which was to suggest more concrete policies regarding force design, budget frameworks, main armament requirements, human resource policies, defence structures, and land-use and environmental policies. By this stage, the department had the capacity to run the process itself, but nevertheless it made a conscious effort to involve parliament, other government departments, civil society and academics, and ran a process that is possibly globally unsurpassed in its transparency and consultative nature. One result of the broad consultations, particularly the involvement of issue-based non-governmental organisations (NGOs), was the adoption of progressive policies on human resource issues such as the rights of homosexuals and women in the armed forces. However, the ‘technical’ debates around issues such as structure, budget and armaments were dominated, as would be expected, by departmental experts. As a result some of the civil society organisations rejected the final product, arguing that it would lead to military rearmament inconsistent with the spirit of the White Paper.

The review left out two key issues: peacekeeping and defence industries. These were the subject of two further policy processes, but in both cases these were less consultative and much more focused in nature. The White Paper on South Africa’s Participation in International Peace Missions was produced by the Department of Foreign Affairs in 1998 and sought to align South African principles and practices with those of the United Nations. The White Paper on Defence-Related Industries, as it came to be called, adopted a largely non-interventionist approach to the defence industry, which had been allowed to
wither, arguing that it should no longer be supported (or even identified) as a specific strategic sector, but that government should provide some policy guidance and seek to protect and support important technology development.

Institutional transformation

The new South African National Defence Force (SANDF) formally came into being at midnight on the day before the national elections. In reality, there was a high level of continuity between the SANDF and the old apartheid armed force, and many have argued that the process of amalgamating the seven armed formations amounted more to the absorption of guerrilla forces into the existing defence force than integration. Perhaps this was inevitable, given that the old defence force (including the 'homeland' armies and civilian administrators) outnumbered the guerrilla forces by approximately three to one, and it was largely incumbent on the guerrillas to accommodate themselves to a conventional army. As a result, the integration process was fraught with difficulty and a number of mutinies took place, although it was largely accomplished without violence.

The SANDF is still grappling with the problems of transformation and there are signs of 'transformation fatigue', even though transformation is far from complete. A key concern has naturally been to address the race and gender inequities. Substantial progress has been achieved at the most senior levels, through political appointments, and at the most junior levels, but it remains a major problem at the NCO and officer level, especially at the key level of colonel, where almost 80 per cent of officers are still from the old regime. Racial tensions have persisted and sometimes led to isolated acts of violence, despite a strong programme of equal opportunities and affirmative action.

To address political transformation, a civic education programme has been introduced to ensure that officers and soldiers understand democratic politics, constitutionalism, democratic civil-military relations, military professional obligations and international humanitarian law, but its implementation has been patchy.

Integration has been followed by demobilisation to reduce the SANDF to planned levels. In practice many former guerrillas were excluded because of health or age, and demobilisation has been poorly organised through cash hand-outs and a badly executed Service Corps. Further demobilisation is required, and this may have consequences for social and political stability.

The SANDF has had to transform itself from a largely conscript-based force to a mostly full-time one and from a strategic offensive posture to a defensive one. It has had to prepare itself for new roles such as international peacekeeping. It is not clear whether it has been able to devote sufficient attention to these challenges, given its preoccupation with integration and affirmative action, although it has developed an integrated 'Human Resource 2010' programme aimed at dealing with these issues in a visionary and holistic way.

Control, oversight and accountability

Executive control of defence is reasonably effective, although - as always in these cases - much depends on the power and character of the minister, especially since the ministerial staff itself is very small. As well as a minister, deputy ministers have been appointed. For the sake of stability an apartheid-era commander, General George Meiring, was left in command of the SANDF at first, and it took a political fall-out over his misuse of intelligence information for him to be dismissed in 1998. Since then the minister, deputy minister, secretary and chief of defence have all come from the same political party and liberation movement background. This might have led to too cosy a relationship; on the other hand it probably contributes to stability. The current minister, Mosiu Lekota, is also chair of the ANC. While this gives him considerable clout, it means that he has many other responsibilities.

The constitution provides for a powerful Joint Standing Committee on Defence (JSCD) (joint in the sense that it involves the National Assembly and the Council of Provinces), and parliament has also set up other committees for defence and security oversight.
Because a great deal of replication took place, the Portfolio Committee on Defence in the National Assembly has now taken on much of the work of the JSCD. The committee system has proved very effective, thanks in part to strong leadership, and parliament has adopted a proactive and interventionist role in relation to crafting defence policy and legislation, and has held generals to account for performance and the implementation of policy.

Planning, budgeting and procurement

Given that the new government inherited a situation where there was in effect no ministry of defence, considerable progress has been made in establishing a functioning secretariat capable of policy development and interpretation, planning and budgeting. Procurement, previously the responsibility mostly of the state armaments manufacturer, Armscor, has also been transferred to the secretariat.

Initially thought of as a civilian body – and specified as such in the constitution – the secretariat involves many military officers and now forms part of an integrated military headquarters with the SANDF. The chief of the SANDF is basically responsible for force preparation and operations, while the policy-planning-budgeting-procurement cycle is the responsibility of the secretary, who is also the accounting officer. This arrangement, while it has served to consolidate civil control, has been fraught with difficulties, with inexperienced civilians struggling to win the confidence of hardened military officers and an increasing bureaucratisation sitting uncomfortably alongside traditional military concepts of command and control. Most of the secretariat staff are involved in financial administration and ‘turf wars’ have regularly erupted between the secretary and the chief.

The formal processes for planning, budgeting and procurement clearly set out and follow international best practice and require structured interactions between the executive, parliament, civil servants and military officers. A high degree of transparency and accountability is evident.

However, considerable public unease and allegations of sleaze have been attached to the major procurement initiative, the Strategic Arms Package, which emerged from the Defence Review, where it was ascertained that the SANDF needed to be almost totally re-equipped with major weapons systems for its primary role of conventional defence. The planning process for this was carried out in a systematic and transparent way and at the time received wide public support, largely because it was claimed that it would lead to job creation and massive offset benefits. It resulted in a decision, taken at cabinet level (although not without considerable initial dissent), to purchase, inter alia, 28 Gripen jet fighters, 24 Hawk lead-in jet trainers, four naval corvettes, three submarines and 30 light utility helicopters.

However, massive cost escalations, questions over the offsets and, above all, the unravelling of many prima facie incidents of corruption and kickbacks involving some of the most powerful political figures in the country have led to a media and political backlash. Question marks now hang over the integrity of the whole exercise, although only a few cases of corruption have been proven in court. This has reignited the public debate over whether the state is spending more than it should on defence rather than social or human security.

At the same time, there is a growing perception among policymakers and leading military practitioners that the policy, planning and budgeting process emerging from the Defence Review, although technically proficient, was based on a fundamentally wrong assumption: that the SANDF should be designed, equipped and trained mainly for conventional defence. It is pointed out that the White Paper was carried out in the ‘post-apartheid honeymoon’ period and misjudged the gravity of the challenges facing the SANDF in Africa. Many argue that it might be time to ‘review the review’, in particular with regard to configuring the SANDF for what it actually does, and is likely to do: African peacekeeping, border protection and support to the police. However, since the Strategic Arms Package flows from the review and the White Paper, a fundamental revision of policy is likely to be resisted as it would probably add further weight to those opposing the arms deal.
**Role of civil society**

During the transition and immediate post-election period a wide range of civil society organisations, the media and the public at large were energetically engaged in policy argument over defence. This waned as broad consensus was reached through the Defence Review. It has been reinvigorated by the arms package controversies. At the same time, a few NGOs specialising in defence and security issues – notably the Institute for Security Studies and the Centre for Violence and Reconciliation – have grown substantially in terms of their policy-research capacity. It is unclear, however, to what extent they influence government policy.

The executive, parliament and the DoD itself all went out of their way to consult with civil society organisations and the general public during the major policy development processes around defence. In part, this was occasioned by an acknowledged lack of expertise, and civil society was seen as being able to plug some of the gaps. But the principal reason was the perceived need to legitimise the defence function, which had been associated with repression and apartheid. Since then, it is notable that the level of consultation with civil society has declined – although this may be a reflection of wider governance trends and increased institutional capacity within government.

**Safety and security governance**

**Policy initiatives**

The principal policy concerns in relation to policing during the transition period and immediately afterwards can be summed up as establishing political control and overseeing a move from a militarised/repressive ‘force’ to a community policing ‘service’. This entailed demilitarising the police; introducing less-confrontational public order policing; establishing mechanisms for accountability to communities and for civil control and oversight; integration and restructuring; and ending human rights violations and torture. As with the defence force, transformation – understood largely as addressing racial and gender inequities – has been a principal concern.

A policy paper dealing with many of the above issues was introduced for discussion in 1994; at the same time new legislation was introduced to effect the move from a ‘force’ to a ‘service’ and to institutionalise principles of community policing. At this point policy capacity within government was limited, and considerable reliance was placed on private consultants with anti-apartheid activist backgrounds.

In 1996, in response to growing public concern about crime, six government departments (Correctional Services, Defence, Intelligence, Justice, Safety and Security, and Welfare) set up a joint policy task force, which resulted in agreement on a National Crime Prevention Strategy. This seems to have faded away in favour of a more hard-line police-driven response aimed at combating rather than preventing crime (see below).

It was only in 1998 that a White Paper on Safety and Security was finalised, drafted mainly by the Safety and Security Secretariat (see below) and based on extensive public and political consultations, which included (as with the Defence Review) provincial and parliamentary public hearings. The White Paper focused on four issues: law enforcement, social crime prevention, institutional reform, and the enhancement of policing at provincial and local levels. The White Paper sought to move beyond the issues of control and community policing that had been the focus hitherto to concentrate on crime prevention and improving police effectiveness.

This policy shift has become even more evident in recent years. Issues of accountability, democratic governance and human rights, although still upheld, seem have become less important than the exigencies of the ‘war against crime’ and political engagements with opposition parties around this issue. Policy now revolves around the National Crime Combating Strategy, leading to actions such as ‘Operation Crackdown’ involving cordon-and-search operations and roadblocks, usually with assistance from the defence force. Levels of police repression and human rights abuses appear to have levelled out at approximately those of major US cities: while far from perfect, this is a far cry from the situation ten years ago and better than in most developing countries.
Control, oversight and accountability

The new government was naturally concerned to establish firm control over the police, which had been at the front line of apartheid repression. For this reason, it resisted decentralisation proposals, instead amalgamating the eleven nominally separate police forces (the South African Police (SAP), the forces of the ‘independent homelands’ and the forces of six ‘self-governing homelands’, which had police forces but not armies) into a single national South African Police Service (SAPS), which was made accountable to the Minister of Safety and Security. The nature of ministerial oversight has varied according to the character of the ministers, as discussed below. However, in general all the ministers have had other political priorities that may have distracted them from their departmental leadership responsibilities.

However, policing is constitutionally a provincial responsibility, and although there is one national service, policy, oversight and (with some exceptions) operational deployment are carried out at provincial level. Members of the Executive Committee (MECs) for Safety and Security thus play an important executive role, and provincial parliaments are actively involved in oversight.

A civilian Secretariat for Safety and Security was provided for in the constitution and established in 1994 at national headquarters to deal with policy, budgeting and political accountability issues. Its functions were defined as promoting democratic accountability and transparency in the service, monitoring policy implementation, conducting policy-oriented research and offering legal services, communication, and providing advice to the minister. This system was replicated at provincial level.

The Safety and Security Secretariat has been much less successful than the Defence Secretariat, however. Reasons for this include institutional resistance within the police service, a failure to bridge the divide between policy and operations and between civilians and uniformed members, lack of knowledge and experience of civilian members, and personality factors. Initially a sharp distinction was made between policy (the secretariat’s responsibility) and implementation, but this may have served to have weakened the policy function rather than strengthen it. After the 1999 general elections, when crime became a political football, the secretariat was increasingly seen as an impediment to ‘getting the job done’. The power and influence of the secretariat has subsequently declined sharply, and with it some important aspects of civil oversight and monitoring. The police commissioner – now essentially a political appointment – and not the secretary is now seen as the main mechanism for government control.

At provincial level, the picture is less clear, with some provincial secretariats still playing an important role in monitoring policy implementation and dealing with police accountability issues, if not in the actual formulation of policy. Their powers are limited, however, as they have to operate within the framework of national policies and initiatives.

A further level of accountability is provided through the Independent Complaints Directorate (ICD), a separately budgeted state institution independent of the police, which was specifically set up to investigate and deter human rights abuses on the basis of complaints submitted by the public. Most of the complaints are now about service delivery, however. The ICD has proven to be fairly effective, although it is not clear whether the reduction in the number of complaints relating to human rights abuses is a result of its work.

While there is no ‘joint standing committee’ in parliament for safety and security, multi-party committees exist in both houses and have played an active role in drawing up legislation, and also in formulating policy, monitoring compliance and discussing issues of public concern. The extent to which they have actively exercised their powers has depended to a large extent on the strength of the leading personalities involved and their relationships with the minister.

The Safety and Security Department carries out its planning, budgeting and procurement cycles much like any other government department. At the higher level, this requires active interactions between parliament, the executive and the department, although, as noted above, the role of the secretariat has not been as effective as it might have been.
There seem to be signs of growing frustration by the political leaders at the failure of the police to make a significant impact on crime. As the issue has become politicised (it is one of the main issues that opposition parties use to bash the ruling party) a certain defensiveness seems to have crept in, perhaps indicated most clearly by an unwillingness to publish crime statistics.

**Professionalism and institutional transformation**

Institutional transformation initially involved the integration of eleven forces and the subsequent rearticulation of the service into eight new provincial services. Key functions such as public order policing remained under national command.

Unlike the SANDF, SAPS did not integrate any significant number of former guerrillas (except into the VIP Protection Unit), but it did have to incorporate the ten former ‘homeland’ forces. This had the effect, however, of radically changing the racial demographics of the force at all levels, although whites continue to predominate at senior management levels.

Police training has been systematically demilitarised and the police are now also trained in human rights issues and the use of non-lethal force. The extent to which this has been successful is debatable, as SAPS is still under scrutiny for human rights abuses.

**Role of civil society**

Civil society organisations and academics played an important role in the early period of post-apartheid policy formation, in part because of lack of governmental capacity. Their influence seems to have waned over the last few years, even as their research capabilities have grown (witnessed by the substantial research output from the ISS and the Centre for the Study of Violence and Reconciliation (CSVR). Government now appears less willing to engage the public on policy issues relating to safety and security, possibly because it is on the political defensive over crime.

The most important elements of civil society oversight are community police forums, which are meant to be established at every police station, in which community representatives are involved daily, and in a structured way provided by law, in oversight of policing in their area. In practice, they tend to work best in wealthy white areas, where in cases they have also been actively involved in supporting the police and garnering additional resources. Implementation across the country has been patchy at best, and they have failed to get off the ground in many of the areas where they are most needed.

**Intelligence governance**

**Policy initiatives and institutional transformation**

Government moved swiftly to establish a policy framework for intelligence, through the White Paper on Intelligence of 1994, which sought to place the intelligence function firmly under constitutional and democratic control. This was followed by the enactment of new legislation reorganising the intelligence agencies, defining their functions, and providing for the amalgamation of the various ‘homeland’ agencies and the integration of around 1,000 former ANC and Pan Africanist Congress (PAC) intelligence operatives.

Military intelligence, the dominant agency in the dying years of apartheid, was downgraded and prevented from carrying out non-military covert operations, while the SAPS’s intelligence function was restricted to criminal investigations. Two principal civilian intelligence agencies were set up, the South African Secret Service (SASS) for foreign intelligence, and the National Intelligence Agency (NIA) for domestic intelligence. Information gathered by all the agencies should be passed on to the National Intelligence Co-ordinating Committee (NICOC), which analyses and interprets intelligence on behalf of the ministry, which is responsible for distributing it to the appropriate government structures. In addition, in November 2001 a Presidential Support Unit (PSU) was set up to support the president on issues related to conflict and conflict resolution, especially in Africa (it has been very involved in the Democratic Republic of the Congo and the Burundi peace processes).
Four new acts were introduced in 2002 and were aimed at further aligning the intelligence agencies with democratic governance norms and other national legislation, and dealing with new threats such as cyber-intelligence. Government is currently undertaking a review of intelligence in the context of the National Security Review, which will lead to a new White Paper on Intelligence. It is expected that this will involve a considerable degree of civil society participation. As with other policy reviews, it is likely that it will take a less idealistic view of things, concentrating on effectiveness and national interest.

Control and oversight

Formerly under a deputy minister, intelligence was upgraded to full ministerial and departmental status in President Mbeki’s government in 2001. The minister has proved to be proactive and has actively sought to increase interactions between the intelligence community and civil society.

A multi-party Joint Standing Committee on Intelligence has been active in carrying out legislative, oversight and monitoring activities. Although it meets in secret, it is required to send an annual report to parliament.

Additional controls are provided by the Auditor General, and an Inspector General for Intelligence has been established with wide powers of oversight, although the inability of government to find an appropriate individual to take on this role must be a cause of concern. An audit committee, including outsiders, has been appointed as well as a presidential budgetary advisory committee.

Remarkably, there was very little public demand for intelligence functions to be opened to public scrutiny, as happened for example when the German Democratic Republic collapsed. Instead, there seems to have been a high level of continuity, with files remaining closed or (mostly) being destroyed – no less than 44 tons of government security-related documentation was shredded during the transition. It is thus unclear to what extent a break with past covert and intrusive practices has been made, even though a legislative and administrative framework consistent with best democratic practice has been put in place.

However, a Review Committee on Classification and Declassification, consisting entirely of academics was set up in 2002 and was due to report before the end of 2003.[3] Public input was invited into the process and it was likely to recommend that pre-1994 records (those that remain) should be audited with a view to being made public and that the restrictive Protection of Information Act of 1982 should be replaced with a new law.

Role of civil society

Intelligence is not an area in which civil society can be expected to be extensively involved. However, the intelligence ministry has recently shown greater signs of openness towards civil society and academia, especially with regards to the declassification issue and the upcoming White Paper.

In addition, the new National Intelligence Academy has actively sought to recruit academics to its staff and is establishing (which is required by law) an advisory board from civil society, chaired by an individual who has to go through a process of public nomination.

Challenges

South Africa is often held up as an exemplar of ‘security sector reform’. Measured against the past, remarkable progress has been made, and it has generally been achieved since 1994 with minimal violence. The security agencies have remained functional throughout, despite the enormous pressures of transformation and the challenges of dealing with apartheid legacies.

This is not to say that transformation has been without its stresses, or that it has been complete and effective. After all, measurement of success should not be made against a pathological past, but in terms of a future vision. There is not, of course, a perfect solution to the multifaceted challenges of governing security in a democracy. There will always be a tension, even a contradiction, because democratic states ultimately rely on undemocratic institutions (which at times must carry out undemocratic practices) in order to protect democracy. If
the security institutions of a state cannot be
democratic, however, they can at least be gov-
erned in a democratic way. Even here, though,
there are necessary limits to the principles of
transparency and accountability required for
democratic governance that need to be care-
fully managed.

Goverance, like democracy, is always as
much a process as an ideal, and in any country
evolution of structures and practices will reflect
political cultures and take idiosyncratic and
context-specific turns.

In general terms it is evident that – at least
on the formal level – South Africa has con-
sciously and fairly successfully sought to apply
best democratic practices to the governance
of security. In some ways it has found more
transparent and accountable ways of doing this
than exist even in established democracies. It
has also sought to take into account the spe-
cific requirements of the transition, specifically
in relation to the need to redress past inequi-
ties. However, the process of transformation
itself has engendered some organisational and
perhaps political fault-lines, and the focus on
redressing inequities has perhaps resulted in
other pressing institutional challenges being
left unaddressed.

Some key issues for discussion include the fol-

lowing:

- **Policy overload and transformation fatigue:** It is evident that an enormous number
  of policy changes have taken place in a
  short period of time, coupled with fairly
  radical institutional transformations, even
  though these are far from complete. Can
  the security institutions be expected to
  continue to respond effectively to ongoing
  policy and transformation pressures and
  requirements? Are appropriate prioritisa-
tion and integration of policy initiatives
  taking place or are institutions expected
to do too much at the same time? Is there
  sufficient continuity of policy and insti-
tutional transformation or are short-term
  political interventions holding sway?

- **Policy reviews:** While a national security
  management system is in place, it is not
clear whether a coherent and integrated
  national security policy exists. Government
  has indicated that it intends to review
  national security and intelligence policy,
particularly in the context of security envi-
  ronment changes since 9/11. Is it possible
to operationalise the normative framework
of democratic governance and human
security and at the same time ensure effec-
tive day-to-day security management?

- **Defence policy:** With regard to defence
  policy it becoming evident that in order to
  pay for the Strategic Arms Package other
  areas are being made to suffer. Is it neces-
sary to carry out a policy review to ensure
  that an appropriate balance between vari-
  ous capabilities (conventional, peacekeep-
ing, etc) is achieved? Does the Strategic
  Arms Package need reviewing?

- **Safety and security policy:** Within safety
  and security policy it is evident that there
  has been a move away from normative
  concerns towards effective crime combat-
ing. But is there policy coherence to this?

- **Implementation:** Policies are not always
effectively implemented and do not neces-
sarily achieve their envisaged goals. Are the
resources available (human, capital, tech-
nological, organisational) or, put another
way, are the policies appropriately tailored
to the resource constraints current in
South Africa (are we importing ‘first world
policies’ for ‘third world conditions’)? Are
appropriate strategies and priorities being
developed for policy implementation
through the policy-planning-budgeting
frameworks?

- **Centralisation and coordination:** Considerable progress has been made in
coordination of security policy and gov-
ernance, and the Office of the Presidency
has been strengthened. Is this improving
effectiveness? And if so, is it doing so at
the possible expense of the pluralism and
system of checks and balances essential to
democratic governance?

- **Control and oversight:** This study has
indicated that neither the defence nor
safety and security secretariats are achieving
in full their objectives as provided for
in the constitution. How can this be
addressed? While the parliamentary
committees function reasonably well, could their role be enhanced? Are they appropriately resourced? With regard to safety and security, it is also clear that urgent attention needs to be given to community policing and the CPFs in particular as a form of civil oversight.

- One-party dominance: This carries with it both positive and negative features for a developing country like South Africa emerging from a conflictual past. A dominant party provides the gel that holds together state, political society, civil society and to some extent the private sector, and establishes a national vision. However, could the intention of the ANC to gain control over state and society in the interests of transformation, achieved in the first instance through appointments to key posts of ANC supporters, have negative implications for governance? Could the separation of powers so key to democracy be threatened, and the system of checks and balances so carefully instituted through legislation and policy, as seen in this article, be weakened? And down to what level should political appointments be made in the civil service and, more particularly, within the security institutions?

- Leadership: As in any organisational context, much depends on the character and quality of senior leaders. This becomes particularly important in periods of change and in contexts of organisational challenges and weaknesses. Is sufficient attention being given to the process of developing and appointing appropriate leaders and developing succession strategies?
In this article we examine the hypothesis that armed conflict increases HIV prevalence, using the case study of the Ethiopian Defence Forces and the civilian population of Tigray region of Ethiopia during the Ethio-Eritrean war of 1998–2000.

The study utilises data sets for HIV prevalence in the region, before, during and after the conflict. These include HIV screening conducted among the military during mobilisation and demobilisation, ANC surveillance data, blood donor screening data, and voluntary counselling and testing (VCT) data.

The datasets are severely limited in both quality and quantity. They do not show clear evidence of an increase in HIV prevalence associated with the war. Data from the screening of conscripts and demobilising soldiers indicate a 76% increase in HIV prevalence during the war period, but this increase does not appear to be larger than would have occurred among a similar cohort of young men in civilian life. The ante-natal clinic (ANC) and blood donor data show a decline in HIV prevalence since the end of the war. The robustness of this finding is uncertain.

It can be concluded that there is no evidence of a general increase in HIV prevalence associated with the war in either civilian or military populations. There are indications of a post-conflict decline in prevalence. Better quality HIV surveillance is needed in Tigray to ascertain the trajectory of the HIV/AIDS epidemic in the region.

Introduction

The inter-relation between HIV/AIDS and conflict has been a concern for policymakers over recent years. The debate has been marked by interesting and useful hypotheses and conjectures, but a paucity of data. The field of HIV/AIDS epidemiology in developing countries, limited by poor data sets at the best of times, is further hindered by the difficulties in maintaining representative data sets.
obtaining reliable data in situations of conflict and the habitual secretiveness of armed forces concerning sensitive information such as the prevalence of HIV among their soldiers.

This article represents the results from a systematic study of all sources of HIV prevalence data from Tigray region, Ethiopia, before, during and after the war of 1998–2000 with neighbouring Eritrea. While these data sets are scanty, they provide interesting clues to the pattern and trajectory of the epidemic in the region. Our main conclusion is that a substantial increase in the quality and quantity of data will be required to adequately test hypotheses concerning the relationship between conflict and HIV/AIDS.

The study set out to investigate whether the eruption of the Ethio-Eritrean war in 1998 had an impact on the prevalence of HIV among the affected populations in Ethiopia. The authors had access to data from civilian populations in Tigray, the northernmost region of Ethiopia, which was the principal theatre of operations for the war, and to data from the Ethiopian defence forces. These data were analysed to see if it is possible to identify clear trends in HIV prevalence over time, and according to geographical location (for example proximity to the front line and military garrisons).

The working hypothesis that motivated the study was that the advent of the war in 1998 would witness a marked increase in HIV prevalence and that this would be sustained after the war ended in 2000. Furthermore, it was assumed that the main vector for increased transmission would be unprotected sexual encounters between soldiers stationed in Tigray and commercial sex workers (CSWs) who congregated in large numbers in major garrison towns and peri-urban drinking and recreational spots near the front line, and that such increases in HIV prevalence would rapidly affect the general civilian population. In the event, the data do not clearly show such effects.

The Ethio-Eritrean war and its impact on Tigray

Shortly before the war, the Ethiopian defence force instituted an HIV/AIDS policy that has been widely admired. This was one of the institutional priorities of the army, until overtaken by the immediate demands of the war. HIV/AIDS programmes were continued during the conflict, but could not remain such a high priority for the army command.

After the outbreak of war in May 1998, the Ethiopian army increased its size sixfold to approximately 350,000 men, who were stationed along the border between the two countries, but chiefly in Tigray. The army was disciplined and ordered, and although individual incidents of rape doubtless occurred, sexual violence was not a major characteristic of the conflict. The large inflow of soldiers occasioned an influx of commercial sex workers, who followed the troops. More than 316,000 people were displaced by the conflict, many of them losing their livelihoods in the process. Both countries expelled nationals of the other side during the war. Casualty figures have not been released, but tens of thousands of soldiers are estimated to have died during combat operations. In contrast to most contemporary African wars, mortality among the civilian population was very low.

Prior to the outbreak of war, Tigray had a largely rural population, with only one significant urban centre, the regional capital of Mekelle. Other towns were small. The total population of the region is approximately 3.8 million people.

The war was concluded in June 2000 with an Ethiopian military offensive that defeated the main forces of the Eritrean army and resulted in the reoccupation of disputed territories and the occupation of additional areas inside Eritrea, subsequently evacuated to form a demilitarised zone. A United Nations (UN) peacekeeping force was dispatched to patrol the demilitarised zone between the two armies. At the time of writing, the failure of the two governments to agree on a border demarcation has left them in a situation of no-war, no-peace, with both sides maintaining substantial forces on the border.

Starting in late 2000, Ethiopia demobilised most of the men it had mobilised in 1998/99. Of these, approximately 64,000 demobilised veterans returned to live in Tigray in 2002.

The Ethio-Eritrean conflict was unusual in contemporary Africa in that it was a conventional war fought between two disciplined and
mechanised armies. It was not accompanied by significant guerrilla operations, banditry or violence against civilians. Any increases in HIV prevalence associated with the war can be attributed to the very large military mobilisation and the accompanying commercial sex industry, rather than to hordes of armed men rampaging through civilian populations.

**Data sources and analysis**

**HIV prevalence in the Ethiopian Defence Force**

The first indications of HIV prevalence at rates of concern in the army came from serological tests of inpatients at the Armed Forces General Hospital (AFGH). Of 2,704 medical cases tested from 1996 to 1998, 1,828 (67.6 per cent) were HIV positive. While this is not indicative of the general level of infection in the army, it illustrates the burden placed on the medical services by the HIV/AIDS caseload. According to unpublished data from the AFGH in 1997/98 (that is, immediately before the war and including its first few months), deaths related to HIV constituted 60 per cent of all medical causes (excluding surgery cases hospitalised because of wounds).

A survey in the army found a prevalence of 6.2 per cent in 1996. The details have not been released, but it has been reported that rates were higher among the officer class than the rank and file. At that time, the army was 60,000 strong.

During mobilisation in 1999–2000, mass mandatory screening of recruits for HIV was undertaken. A total of 71,626 recruits, young men aged about 18-29, were tested. The rate of HIV was 7.2 per cent among the nearly 10,000 urban recruits and 3.8 per cent among the 62,000 rural recruits. Only those who tested negative were admitted to the army. Because of a shortage of testing kits, this screening programme was abandoned, and the additional recruits, numbering about 160,000, were not tested. However, given that their demographic and geographical profile was similar to the previous batch, we can assume that they had an HIV prevalence of about 4.3 per cent, giving an overall prevalence among new recruits of 2.8 per cent.

In addition to this mass recruitment, 15,000 former fighters from the Ethiopian People's Revolutionary Democratic Front (EPRDF) and 30,000 militia were (re-)mobilised. They were not tested for HIV, so their prevalence rates are unknown. The final group that was mobilised consisted of retired soldiers from the army of the former government. All of this group, totalling 12,553, were tested for HIV, and a prevalence of 23 per cent seropositivity was found (a fact of interest in itself). The soldiers who tested positive were not admitted to the army and were sent home, having been told they were not physically fit for service. They were not told of their HIV status.

The overall HIV prevalence in the army in 1998/99 cannot be known accurately. However, given that the remobilised veterans provided only a minority of the total force, let us assume that the prevalence among the 60,000 existing soldiers was 6.2 per cent and the prevalence among the 290,000 recruits, new and remobilised, was 2.8–3.0 per cent, giving an estimated overall prevalence of 3.5 per cent.

Between the end of the war (in June 2000) and June 2001, 135,000 soldiers were demobilised. Of these, 26,496 were tested in a VCT programme. These consisted of recent conscripts and pre-1998 serving soldiers, approximately in proportion. The rate of HIV was 6.1 per cent, which implies an increase of 76 per cent compared with 2–3 years earlier. We should compare this with the expected increase in HIV prevalence in a comparable cohort of young men in civilian life. Data for this can be obtained from screening the conscript population. Among those tested, there was a steep increase in prevalence from 18–19 year olds (urban 2.2 per cent, rural 1.5 per cent), to 20–24 year olds (9.4 and 4.4 per cent) and 25–29 year olds (15.3 and 6.0 per cent). These gradients of increase are comparable with those among the demobilising soldiers. There is no evidence for increased HIV susceptibility as a result of military service.

A marker of the depth of stigma is that a programme of cash assistance to demobilised soldiers living with HIV in Tigray found just 17 ready to come forward. Of the demobilised soldiers, 64,144 were Tigrayans. If they had a 6.1 per cent HIV prevalence level, it
would imply that 3,900 were living with HIV. The programme offered 150 Ethiopian birr per month plus counselling for those who wished to participate. Given that most soldiers resumed life as unskilled labourers, earning perhaps 10 birr per day, a supplement of 150 birr per month represents a significant increase in income. This makes the low turnout even more remarkable.

**ANC surveillance**

At the outbreak of the war there were no sentinel sites for HIV surveillance in Tigray, making it impossible to obtain reliable population-based figures for HIV. Our sole data are estimates for HIV prevalence published by Tigray Regional Health Bureau (TRHB) for the eastern zone of Tigray 1997/98. The figures are urban 12.4 per cent and rural 6.4 per cent. No documentation on the sample size or sampling techniques is available within the TRHB so these data need to be treated with caution, and cannot be rigorously compared with other surveillance data.

In 2001 three sentinel surveillance sites were established at antenatal clinics in the regional capital, Mekele, and the towns of Adigrat and Maichew. These three towns all lie on the main north-south highway, which until the war served as the main road connecting Ethiopia and Eritrea. These locational factors are all clear risk factors for HIV prevalence. During the war, one of the major front lines was located north of the town of Adigrat, which served as a major supply centre. Soldiers from the front line visited temporary villages set up by hoteliers and bar-keepers outside the town, and also came to the town for rest and recreation. During the conflict the town swelled from its pre-war population of 44,000 to about 120,000. The city of Mekele was also swollen by an inflow of soldiers and contractors. Maichew is further from the front line, but is located on the main supply route. After the war, a fourth ANC sentinel site was established at Abi Adi, a small town in central Tigray zone, not close to the front line and not on any major road. Table 1 shows data from these four sites.

The figures for 2001 are about 30–40% higher than the TRHB survey findings from before the war, and the 2003 figures are about 30% lower. However, the methodological caveat about the earlier survey means that we must be cautious about this comparison. These data show unexpected results. In three of four sites, the prevalence of HIV fell after the end of the war.

These data need to be interpreted in the light of the high level of variability in HIV prevalence in Ethiopia’s sentinel sites (of which there were just 17 in 2000). The large year-on-year fluctuations in HIV prevalence in specific sites cannot be an accurate representation and must result from sampling bias or rapid shifts in population in the small towns. These findings indicate the need for a more representative and comprehensive surveillance programme in Ethiopia. However, the drop in HIV prevalence between 2001 and 2003 is replicated in blood bank screening data. This gives us confidence in supposing that the ANC figures indicate a real decrease in the group tested.

It is possible that the Abi Adi data show the beginning of the hypothesised demobilisation effect, namely an increase in positive tests among soldiers demobilised after the war and their partners. Almost one third of the demobilising veterans in Tigray in 2001/02 were from the central zone, which includes Abi Adi. Such conclusions must be extremely tentative, however.

**Table 1 ANC surveillance data from Tigray**

<table>
<thead>
<tr>
<th></th>
<th>Mekelle</th>
<th>Maichew</th>
<th>Adigrat</th>
<th>Abi Adi</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>HIV</td>
<td>%</td>
<td>No</td>
<td>HIV</td>
</tr>
<tr>
<td>01</td>
<td>400</td>
<td>72 18.0</td>
<td>349</td>
<td>58 16.6</td>
</tr>
<tr>
<td>02</td>
<td>400</td>
<td>67 16.7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>03</td>
<td>429</td>
<td>40 9.3</td>
<td>258</td>
<td>17 6.5</td>
</tr>
</tbody>
</table>
Blood donor screening

An additional source of data on HIV prevalence is the screening of blood donations. Most donations of blood are from close relatives of individuals hospitalised for medical emergencies or surgery, who require transfusions (‘replacement’ donors). There is a clear gender bias in blood donors (more than 90% are male), but their occupational breakdown is broadly indicative of the general population. While there are problems with taking such blood donors as representative of the general (male) population, the trends in HIV prevalence in donated blood, subject to caveats relating to the changing profile of blood donors, can provide us with evidence for trends in HIV prevalence.

In line with the ANC surveillance data, this shows a counter-intuitive set of results. Our initial hypothesis was that the HIV prevalence would have increased during the war years and remained high afterwards. What these data show is no significant increase during the war, but a significant drop afterwards.

The data need to be interpreted with reference to the ages, genders and occupations of the blood donors, and whether they were voluntary donors (responding to public appeals) or relatives of a person in hospital, providing matched replacement blood. If we split our time series data into three periods, namely pre-war, war, and post-war, we can see some important shifts in these key characteristics.

This additional information might help to explain why the HIV rate failed to rise in 1998/99. In 1999, a major call for blood from civilians led to large numbers of civil servants providing voluntary donations. It is possible that self-selection among volunteer donors led those who had reason to suspect that they were at higher risk to decide not to give blood.

Table 2 Mekelle regional blood bank screening data

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>HIV +</th>
<th>% HIV +</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>381</td>
<td>26</td>
<td>6.8</td>
</tr>
<tr>
<td>1994</td>
<td>425</td>
<td>50</td>
<td>11.8</td>
</tr>
<tr>
<td>1995</td>
<td>451</td>
<td>36</td>
<td>8.0</td>
</tr>
<tr>
<td>1996</td>
<td>359</td>
<td>28</td>
<td>7.8</td>
</tr>
<tr>
<td>1997</td>
<td>342</td>
<td>26</td>
<td>7.6</td>
</tr>
<tr>
<td>1998</td>
<td>437</td>
<td>32</td>
<td>7.3</td>
</tr>
<tr>
<td>1993-1998</td>
<td></td>
<td></td>
<td>8.3</td>
</tr>
<tr>
<td>1999</td>
<td>1261</td>
<td>104</td>
<td>8.2</td>
</tr>
<tr>
<td>2000</td>
<td>529</td>
<td>57</td>
<td>10.8</td>
</tr>
<tr>
<td>1999-2000</td>
<td></td>
<td></td>
<td>9.0</td>
</tr>
<tr>
<td>2001</td>
<td>428</td>
<td>9</td>
<td>2.1</td>
</tr>
<tr>
<td>2002</td>
<td>605</td>
<td>22</td>
<td>3.6</td>
</tr>
<tr>
<td>2003</td>
<td>559</td>
<td>20</td>
<td>3.6</td>
</tr>
<tr>
<td>2001-2003</td>
<td></td>
<td></td>
<td>3.2</td>
</tr>
</tbody>
</table>

Table 3 Origins of blood donations (%)

<table>
<thead>
<tr>
<th></th>
<th>Voluntary</th>
<th>Replacement</th>
<th>M</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-war</td>
<td>17.7</td>
<td>82.3</td>
<td>95.2</td>
<td>4.7</td>
</tr>
<tr>
<td>War</td>
<td>90.6</td>
<td>90.6</td>
<td>96.3</td>
<td>3.7</td>
</tr>
<tr>
<td>Post-war</td>
<td>10.9</td>
<td>89.1</td>
<td>99.9</td>
<td>0.1</td>
</tr>
</tbody>
</table>
Note that the proportion of soldiers donating blood at the civilian hospital fell during the war. Subsequently, the profile of blood donors reverted to approximately the pre-war pattern (with a marked drop in ‘unemployed’ donors). Another possible explanation for the constant/falling HIV rate is that the blood donors were overwhelmingly male civilians. If we assume that the main new transmission vortex associated with the war was between soldiers and CSWs, and in addition that the majority of the at-risk CSWs were patronised exclusively by soldiers, then the risk factors for civilian males in Tigray would not necessarily have risen during the conflict and its immediate aftermath. Moreover, if increased HIV transmission during the war were largely confined to this soldier-CSW link, and most of the CSWs left the region after the end of the war, the male population would have remained shielded from this risk factor. In this scenario, the major risks to the general population would arise when demobilised soldiers returned home after the end of the war.

**VCT data**

Prevalence data from VCT screening cannot be taken as a basis for ascertaining prevalence levels in the general population. For our purposes, however, VCT data possess the important advantage that they are available for an array of sites and time periods. On the assumption that the socio-economic profile of individuals coming forward for VCT is not substantially different across place and time, differences in HIV rates may provide clues to variations and changes in HIV prevalence in the general population.

The longest time series data for VCT is from the town of Adigrat. This is of particular interest because Adigrat was close to the front line,

**Table 4 Occupations of blood donors**

<table>
<thead>
<tr>
<th></th>
<th>Civil Servant</th>
<th>Army</th>
<th>Student</th>
<th>Trader</th>
<th>Housewife</th>
<th>Bachelor</th>
<th>Farmer</th>
<th>Driver</th>
<th>Day Labourer</th>
<th>Unemployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-war</td>
<td>1.7</td>
<td>11.4</td>
<td>20.9</td>
<td>4.6</td>
<td>0.9</td>
<td>1.2</td>
<td>9.3</td>
<td>4.4</td>
<td>35.3</td>
<td>10.3</td>
</tr>
<tr>
<td>War</td>
<td>52.3</td>
<td>6.4</td>
<td>11.7</td>
<td>2.4</td>
<td>0</td>
<td>0</td>
<td>1.2</td>
<td>0.3</td>
<td>20.2</td>
<td>5.3</td>
</tr>
<tr>
<td>Post-war</td>
<td>6.6</td>
<td>7.6</td>
<td>17.1</td>
<td>6.1</td>
<td>0.6</td>
<td>0</td>
<td>8.3</td>
<td>1.5</td>
<td>51.4</td>
<td>0.9</td>
</tr>
</tbody>
</table>

**Table 5 VCT data, Adigrat Hospital**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>HIV +</th>
<th>% HIV +</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992/93</td>
<td>11</td>
<td>6</td>
<td>54.6</td>
</tr>
<tr>
<td>1993/94</td>
<td>40</td>
<td>30</td>
<td>75.0</td>
</tr>
<tr>
<td>1994/95</td>
<td>83</td>
<td>59</td>
<td>71.1</td>
</tr>
<tr>
<td>1995/96</td>
<td>193</td>
<td>146</td>
<td>75.6</td>
</tr>
<tr>
<td>1996/97</td>
<td>240</td>
<td>149</td>
<td>62.1</td>
</tr>
<tr>
<td>1997/98</td>
<td>199</td>
<td>84</td>
<td>42.2</td>
</tr>
<tr>
<td>1993-1998</td>
<td></td>
<td></td>
<td>61.9</td>
</tr>
<tr>
<td>1998/99</td>
<td>439</td>
<td>242</td>
<td>55.0</td>
</tr>
<tr>
<td>1999/2000</td>
<td>255</td>
<td>150</td>
<td>58.8</td>
</tr>
<tr>
<td>1999-2000</td>
<td></td>
<td></td>
<td>56.5</td>
</tr>
<tr>
<td>2000/01</td>
<td>172</td>
<td>105</td>
<td>61.1</td>
</tr>
<tr>
<td>2001/02</td>
<td>374</td>
<td>205</td>
<td>54.8</td>
</tr>
<tr>
<td>2002/03</td>
<td>191</td>
<td>55</td>
<td>29.0</td>
</tr>
<tr>
<td>2001-2003</td>
<td></td>
<td></td>
<td>49.5</td>
</tr>
</tbody>
</table>
serving as the rear base for rest and recreation by soldiers, and because its population expanded almost threefold during the war, including an influx of displaced people.

The data from 1998/99 could be read either way. The increase (approximately doubling) of the numbers of people being tested positive might be an indication of an increasing prevalence. Or, the similar proportion of positive tests could be said to indicate an unchanging prevalence. The most recent data point (2002/03) would seem to confirm the declining trend manifest in other datasets. However, as a single data point, it is far too weak a basis for reaching conclusions.

Data from the overall VCT statistics of the TRHB show an encouraging increase in the uptake of VCT services, especially among men, and no clear shifts in the pattern of infection over the time period 2000–2003.

Data sets from VCT are also available from other hospitals in the region. The number of individuals coming forward for VCT varied hugely by site and by year, from 27 to 1,180. The numbers of individuals testing positive are considerably lower than the Adigrat data and do not show clear trends.

It is striking that VCT centres in these other towns had much lower rates of seropositivity than Adigrat. Given that the social and economic profile of individuals coming forward for testing is likely to be similar in the various towns, this is prima facie evidence for considerably higher rates of HIV in Adigrat, before, during and after the war.

### Table 6 TRHB VCT data

<table>
<thead>
<tr>
<th>Age Group</th>
<th>VCT screened</th>
<th>Tested HIV +</th>
<th>Age Group</th>
<th>VCT screened</th>
<th>Tested HIV % +</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>Total</td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>&gt;14</td>
<td>141</td>
<td>214</td>
<td>355</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>15-19</td>
<td>254</td>
<td>315</td>
<td>569</td>
<td>25</td>
<td>31</td>
</tr>
<tr>
<td>20-39</td>
<td>570</td>
<td>332</td>
<td>902</td>
<td>82</td>
<td>59</td>
</tr>
<tr>
<td>40+</td>
<td>103</td>
<td>66</td>
<td>169</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>1068</td>
<td>927</td>
<td>1995</td>
<td>126</td>
<td>124</td>
</tr>
<tr>
<td>%</td>
<td>53.5</td>
<td>46.5</td>
<td>100</td>
<td>50.4</td>
<td>49.6</td>
</tr>
</tbody>
</table>

### Conclusions

This investigation has demonstrated the difficulty of reaching clear conclusions about HIV prevalence in a region that has poor data sources. The ANC sentinel surveillance data show an encouraging trend of declining prevalence, but this must be interpreted with extreme caution in the light of the small sample sizes and the high year-on-year variability of Ethiopian surveillance statistics. The blood bank screening data have lower variance than the ANC data for the period up to 2000, and also show a comparable level of prevalence among the (almost entirely male) sample. The VCT data are highly variable and, more than any other, are prone to shifts associated with the changing composition of the population coming forward for testing. The most comprehensive and reliable data are from the military screening programmes, which indicate that the war period witnessed a significant increase in HIV prevalence among conscripts. However, this increase is comparable to that expected among a cohort of young men in civilian life.

The main conclusion from these data sets is that more data are needed. The number of surveillance sites in Tigray needs to be increased and the consistency of testing methods needs to be established. Only with substantially better data will it be possible to come to clear conclusions about the trajectory of the HIV/AIDS epidemic in Tigray, in war and in peacetime.

An important finding of the data sets is the modest evidence that HIV prevalence among...
soldiers and civilians in Tigray appears to have risen during the war. This is a case of ‘the dog that did not bark’. Everything that is known about the epidemiology of HIV/AIDS would point to a much heightened risk of HIV transmission during the Ethio-Eritrean war, associated particularly with the convergence of a very large army and an influx of CSWs. Whether this is a genuine finding, or whether the sampling methodologies failed to capture the at-risk groups, cannot be clearly identified.

An intriguing finding is that HIV prevalence appears to have fallen after the war. As stated, this finding needs to be treated with caution. However, because the ANC surveillance data and the blood bank screening data show the same trend, this may be a real phenomenon and not a methodological artefact.

The most plausible interpretation of this trend – if indeed it is real – is that after the end of the war, the highest-risk population dispersed from the towns in Tigray. Two high-risk groups, namely CSWs and displaced people, would have had reason to leave the towns. Following the demobilisation of much of the army, CSWs may have moved elsewhere. After the army’s reoccupation of areas that had formerly been the locus of fighting or had been occupied by the Eritrean army, displaced people would have been able to return home.

The most significant impact of the Ethio-Eritrean war on HIV/AIDS in Tigray is probably the indirect and long-term effect of changing the social and economic situation of the region. The social and economic disruptions visited on Tigray during the war, including an increase in the number of CSWs and a change in the patterns of commercial sex work, a growing problem of orphans and street children, and the near-complete closure of trade routes with Eritrea, will have an impact on the future of the region. In this context it is important to underline that the Ethio-Eritrean war was not typical of recent conflicts in Africa, in that it was a conventional war fought between disciplined armies, and did not witness social disintegration and widespread sexual violence. Generalising from this experience to other conflicts in Africa should be undertaken with caution.

Notes

1 This article was written with the support of the Justice Africa Governance and AIDS Initiative, whose assistance is gratefully acknowledged. Alex de Waal assisted with analysis and editing. The authors wish to thank Lieutenant General Tsadkan GebreTensae and Stephen Jensen for useful comments.


3 Tsadkan Gebre-Tensae, op cit.

4 Yigeremu Abebe, Ab Schaap, Girmatchew Mamo, Asheber Negussie, Birke Darimo, Dawit Wolday and Eduard J Sanders, HIV prevalence in 72,000 urban and rural army recruits, Ethiopia, AIDS 17(12), 2003, pp 1835-1840.

5 Abebe et al, op cit, p 1838.

ZIMBABWE: GOVERNANCE THROUGH MILITARY OPERATIONS
MARTIN RUPIYA

ZIMBABWE: BEYOND THE DEMOCRATIC IMPASSE
CHERYL HENDRICKS

AID, GLENEAGLES AND THE RUN-UP TO THE MILLENIUM + 5 SUMMIT
PRINCE MASHELE AND JAKKIE CILLIERS
The military-style Operation Murambatsvina (Restore Order), which was launched on 19 May 2005 to curb urban-based ‘informal trade and settlement’, confirms a characteristic that continues to severely undermine Zimbabwe’s democratic governance. However, this message appears to be lost on the government because, even after Murambatsvina drew widespread international condemnation, the state established another operation – Operation Garikai/Hlalani Kuhle – on 9 July 2005. Current evidence has shown colonels of regiments trying to again take the lead in motivating local government councils to embark upon the construction of housing units to meet an apparently impossible deadline – 2,000 units in 40 days.

In the short history of independent Zimbabwe since 1980, operations that have failed to provide lasting solutions to socio-economic and political difficulties include Operation Ghukurahundi and Operation Chinyavada. Operation Ghukurahundi concerned the near-civil-war in Matabeleland in 1981–1986, whose effect was to perpetrate atrocities, decimating an estimated 20,000 lives – an event that has since elicited an apology from the presidency. Meanwhile, Operation Chinyavada, which was launched in 1983 and was intended to rid the capital, Harare, of its prostitutes, also proved disastrous. Horrendous human rights abuses were committed as hundreds of (mainly black) women were unceremoniously hauled off the streets to prisons and detention centres. However, the result was almost inevitable in that the wily and age-old trade in human flesh survived the efforts of the operation.

Relying on military-style operations as a tool to respond to civil society and governance issues has its obvious advantages for policymakers. However, it has severe limitations for policymakers and citizens alike. This commentary will briefly highlight elements of militarism and military operations that make the tool unsuitable for use as a governance instrument by elected officials in a democracy.

Universally, a military-style operation is a short and blunt instrument that prioritises a higher goal at the expense of local tactical sensibilities. Furthermore, a military operation is subject to orders issued by its own hierarchy and therefore responds exclusively to this internal chain of command. A distinct language, posture, expectation and methodology of operation are associated with a military operation. A military operation adheres to strict timelines or limits: it has a clear start and completion period, sometimes worked out to hours and minutes. A military operation implies the participation of armed elements whose actions are normally exempt from normal laws and by-laws. A military operation also views those who impede its implementation or progress as ‘enemies’ and therefore are to be summarily dealt with in order to achieve the set objective(s). Finally, resort to a military operation signifies the failure of ‘normal’ methods and the collapse of preventative diplomacy options, therefore it may be argued that it represents an instrument of last resort.

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addition, a military operation is a high-energy and expensive tool that produces concentrated impact as well as highly visible evidence. However, it is generally unsuitable for sustained and long-term deployment, during which there is a rapid deterioration of its utility. Resorting to a military operation probably provides satisfaction only for those leading the process.

To summarise, a military operation functions according to distinct policy and decision-making processes. During its execution a military operation is immune from outside interference, except that communicated through its command structure. Once launched, it strives to complete its given task within the shortest possible time and perceives and treats any impediments as hostile. Finally, when the operation is complete, participants are immune from legal challenge(s), except through its political leadership and civilian administrative structures.

A military operation is therefore blunt, indiscriminate, and self-contained, is almost insulated from normal responsibility, and delivers invidious results. This makes it unsuitable for employment as a civil and democratic governance tool. The impact of Operation Murambatsvina substantiates this.

In retrospect, it is clear that Zimbabwean government circles believed that economic recovery was being undermined and the ongoing political crisis was being exacerbated by activities in the informal sector, and largely in urban settlements. The state, through the governor of the Reserve Bank, Dr Gideon Gono, in his ‘Post election and drought mitigation monetary policy statement’, intimates that “markets, flea markets, other informal market premises and ‘illegal’ housing structures were undermining the economy”. This statement was issued on 17 May 2005. The following day, the government-appointed City of Harare commissioner, Ms Sekesai Makwavarara, announced that the government intended to “enforce local government by-laws and eliminate all forms of illegal activity” and that strong action would be taken by 20 June.

Based on these official policy announcements, Operation Murambatsvina had a defined objective – the elimination of informal settlements operating as trade, market or settlement structures.

On 19 May 2005, the day after the official announcements, the blitz was launched, catching many citizens completely unprepared. This is in line with all military operations, which exploit the element of surprise.

However, to meet the requirements of the civil governance charter, during the destruction a 30-day notice appeared in the national daily newspaper, The Herald, on 24 May, as required by the Regional Town and Country Planning Act of 1976 (Chapter 29:12); the Housing Standards Control Act of 1972 (Chapter 29:08) and the Urban Councils Act (Chapter 29:15) of 1995, requiring an immediate stop to the illegal activities. The order was legally effective only from 20 June. However, even after this date continued transgressions would require local government officials to approach the courts for remedial action.

This example provides an important lesson about a civil style of governance as opposed to a military approach.

The impact of the operation was shattering. Within a week, according to the ‘Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina’ by the UN Special Envoy on Human Settlements Issues in Zimbabwe, Mrs Anna Kajumulo Tibaijuka, which was undertaken between 26 June and 8 July 2005, Murambatsvina had spread to “more than 52 sites … with practically no area designated as ‘urban’ being spared”. This had a devastating effect on poor areas in the cities and towns of Harare, Bulawayo, Chinhoyi, Gweru, Kadoma, Kwe-Kwe, Marondera, Mutare, Rusape and Victoria Falls. At a conservative estimate 700,000 people were left homeless. If one added dependants, 2.4 million people are thought to have been adversely affected. Bulldozers, protected by armed police and army units, smashed, burned and razed structures that had housed poor urban dwellers. This was happening in a country that is experiencing serious drought (a fact admitted in a Reserve Bank policy statement), a development that had already reduced nearly four million peasants to joining food handout queues.

Governance through military operations such as Operation Gukurahundi, Chinyavada, Murambatsvina and now Garikai/Hlalani Kuhle has consistently resulted in human abuses and brief but spectacular gains, followed by enduring anger, denials and eventually abject apologies. The time may have come for Zimbabwe to confine its governance methodologies to exclude the militarised alternative as part of its wider political stabilisation.
Few countries in Africa attract sustained international media coverage without the presence of a civil war. Countries beyond the Limpopo rarely attract close scrutiny by the South African citizenry either, and their policies and practices seldom evoke domestic outbursts or mobilisation. Zimbabwe, since its 2000 general elections, has achieved this feat. Unfortunately, this particularity is derived from many of the factors that led to the disintegration of other post-colonial African states. The Zimbabwean government’s resistance to democratisation, its reassertion of a narrow African nationalism, the government’s repressive tactics, and the country’s economic decline have catapulted it into that category of states whose names are always followed by the word ‘crisis’. But the inability of the opposition movement to oust the ruling party through elections and a host of ineffective bilateral and multilateral state and civil society interventions have prolonged the crisis. There is general familiarity with (even if there is no consensus on) the historical and contemporary factors that produced the stalemate so there is little added value in reproducing them here. Instead, this commentary will focus on the need for an alternative strategy in order to move beyond Zimbabwe’s democratic impasse.

Peace and security are recognised by Africa’s continental and sub-regional organisations as key to socio-political and economic development and are incorporated into their policy frameworks. One of the major moves in the discourse on peace and security is the adoption of a human security perspective. This implies a fundamental shift from focus solely on the security of the state to the security and/or wellbeing of its citizens. This ideological alteration results from the changed nature of conflict from inter-state to intra-state, conflict generators being located in the policies and practices of governments, citizens being the victims of conflict and domestic conflicts having geographically widespread effects. However, although the new paradigm is human security, until now practices by states and multilateral institutions have been essentially state-centric. This is clearly evidenced in the Southern African Development Community (SADC), particularly in relation to Zimbabwe.

The SADC Protocol on Politics, Defence and Security Cooperation reaffirms the “principle of strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good neighbourliness, interdependence, non-aggression and non-interference in internal affairs of other States”, though it also enables the organ to "seek to resolve any significant inter-state conflict between State Parties or between a State Party and non-State Party". The principle of sovereignty has often been a stumbling block for outside intervention because most African states assert this right...
when accused of breach of norms and standards of good governance. The principle is there primarily to protect governments, not citizens. The 'significant inter-state conflict' clause conditioning intervention was a step in the right direction, but the strategies employed to give effect to this clause, especially in Zimbabwe, have yielded few positive results.

Zimbabwe has been on the SADC agenda since 2001. The main forms of intervention to resolve the multi-faceted crisis in the country have largely been limited to persuasion and mediation. South Africa, employing a strategy of 'quiet diplomacy,' has been a key interlocutor in attempts to bring ZANU-PF and the MDC to the negotiating table. Negotiations were to centre on the modalities for a government of national unity. South Africa has experienced many frustrations in executing this task as ZANU–PF refused to talk to the MDC. The ruling party's position on negotiations became more dogmatic after it secured victory in the 2005 general elections. In response, South Africa recently backtracked on trying to facilitate negotiations. Deputy Minister of Foreign Affairs Aziz Pahad stated that "we are negotiating in the broad context that we need fundamental economic changes and how we minimize the political tensions of Zimbabwe without necessarily talking about Government of National Unity". Meanwhile the African Union has intervened, appointing President Joachim Chissano of Mozambique as mediator between the major political actors in Zimbabwe. Although the credibility and experience of the mediator are always important in negotiations, introducing this change alone is unlikely to be more productive, as this is not the source of the main hindrances to moving the process forward. The dismissal by ZANU-PF of President Chissano's overtures is indicative of this.

This tiptoeing round the Zimbabwean government can be traced to the role it has played in SADC, to common perceptions on issues of race and land, to the perceived lack of a credible alternative, and to insufficient agreement on the type of intervention that is needed. Post-colonial Zimbabwe, with President Mugabe at the helm, was a steadfast supporter of liberation movements in the region and had to bear untold costs for this loyalty. There is therefore a strong admiration for, and indebtedness to, a person and country largely perceived as simply having gone astray. Zimbabwe, before the arrival of post-apartheid South Africa, was a key player in SADC (the organisation was formed 25 years ago when Zimbabwe received its independence). It was charged with sectoral responsibility for peace and security prior to SADC's restructuring. Zimbabwe's decision to send troops to the Congo in 1998 - against the wishes of the South African government but with the backing of Namibia and Angola - signalled a rift in SADC, as the old and new powerhouses struggled to set the regional agenda. Sensitivity to this history and tensions within SADC limit the organisational approach to 'lowest common denominator' interventions in Zimbabwe.

The Zimbabwean crisis cannot be reduced to that of an undemocratic government. The unresolved national question (continued land ownership inequalities) played a major role in the form of state practices that ensued, admittedly only forcefully engaged when ZANU-PF felt the pressure of opposition politics. The state justified its actions through a discourse that reached to the heart of the quest for liberation in the region, namely anti-imperialism, racism, and land alienation. Regional support for change created the difficulties in forming a common platform against the human rights abuses that were transpiring and reaching an agreement on the necessary forms of intervention.

Although the MDC showed great potential in 2000 and 2002, it has been weakened by repression and its own organisational deficiencies. Its inability to gain sufficient support in the 2005 elections confirmed this. The MDC has largely been reduced to a barking dog with no bite, making it harder to pressurise ZANU-PF into negotiating with it.

South Africa's approach to Zimbabwe of 'quiet diplomacy' has generated impatience in MDC cadres and civil society organisations in the region. They wanted a more forceful engagement, for instance sanctions to secure President Mugabe's departure, which were posited as non-negotiable. Both these approaches were concerned primarily with changing the composition of the power base in the belief
that this would create stability and development. In the interim, Zimbabwe’s citizens bore the brunt of the power struggle, forced to choose between living in poverty or becoming part of the growing African diaspora.

Democratisation and reconciliation at the level of the state are key for peace and security. However, these processes often take years to yield results. A human security perspective does not negate these processes. It complements them with interventions at lower levels and assistance to the victims of power struggles. Far too much emphasis was placed on getting the MDC and ZANU-PF to negotiate, to the exclusion of dialogue, reconciliation and development at other levels of governance.

Re-building Zimbabwe requires far more than elite pacting. It involves building the institutions and the capacity that sustain democratisation and avoiding the slippery slope between democracy and autocracy so common in the ‘virtual democracies’ on the African continent. If there is general agreement that the Zimbabweans themselves must resolve the Zimbabwean crisis, then the onus is on the regional community to ensure that Zimbabweans have the environment and tools to effect this change. Zimbabweans are not only the office-bearers of ZANU-PF and the MDC. Strategies aimed at effecting change must therefore be broad based.

The recent move away from emphasising a government of national unity to concentrating on rescuing the Zimbabwean economy is prudent. Optimal functioning of SADC is conditioned by the strength of its member economies. The Zimbabwean economy declined from the second largest in the region to sixth or seventh place. This slide has wider regional implications for peace and security. Arguments that assert that helping to re-build the Zimbabwean economy only sustains the current power holders are shortsighted. A strong economy is a necessary condition for democratic consolidation and fits into the advocated human security perspective. SADC must make a greater effort to implement its human security policy framework and draw on the resources in the region for this. Here, too, non-state institutions can play an effective complementary role to state processes. When states, multilateral organisations and civil society work together to ensure the security of all in the region, the democratic impasse in Zimbabwe will be ended.
The Millennium + 5 Summit of the United Nations General Assembly to be held from 14 to 16 September in New York will be a milestone for the UN and will also determine the legacy of Kofi Annan. The reforms approved at that meeting are set to determine the relevance of an organisation that is struggling to define a role for itself in the post-Cold War period and after 11 September. In the developed world, where the United States has led a concerted campaign to tarnish Kofi Annan’s reputation, this is also about the history books, and amidst a sea of hostility and hatred directed at him, Kofi Annan is set on leaving a legacy no less than a reformed international system. And key to that vision is helping Africa.

A tremendous number of studies, preparations and paper have been consumed in this process. Critical among these are the report by Jeffrey Sachs that assessed progress towards the attainment of the Millennium Development Goals (MDGs), the Cardozo report, which looked at the role of civil society in the UN system, and the High Level Panel report on threats and challenges, which dealt with new security challenges for the international community. Building on these recommendations the UN Secretary-General submitted a synthesis report earlier this year, ‘In larger freedom’, which summarised the key recommendations to restore the credibility and relevance of the UN.

Africa, potentially the major beneficiary of these developments, has never seen such momentum towards poverty alleviation and restructuring of the global system to its benefit. The transformation of the African Union (AU), the New Partnership for African Development (NEPAD) and the report of the Commission for Africa leading to the G8 Summit in Gleneagles have all added to the momentum. The impasse in Europe that followed the rejection by French and Dutch voters of the European Union (EU) constitution and the assumption by the United Kingdom of both the presidency of the EU and leadership of the G8 have even placed EU agricultural subsidy reform within the grasp of rational debate. While the willingness by Tony Blair to trade the UK budget rebate for reform of the EU budget may have French farmers up in arms, reform of EU agricultural subsidies are critical for Africa if it is to have any prospect of trading its way out of poverty. Without changes to EU subsidies, changes to US subsidies and those of other countries will not happen.

As is well known, progress towards the achievement of the MDGs in this part of the world has fallen far short of Africa’s hopes and of the promises of the Millennium Summit in 2000. The world is talking a lot about ending poverty, but it has taken a tremendous amount of pressure to make key leaders respond to the commitments they made five years earlier. Africans have an unlikely hero to thank in the
process. Pop star Bob Geldof is succinct in his view when he urges politicians that the campaign to “make poverty history rightly focuses on aid, trade and debt relief because these are the things that we can contribute. But without peace and stability, good governance and economic development we are not going to be able to achieve that goal.” For this reason the recent announcement by the G8 that they would cancel the debt of 18 poor countries (14 of which are in Africa) is welcome as a first meaningful and positive step.

Africa has literally fallen off the global economy and needs a serious hand-up through debt relief and development assistance if international trade reform is to succeed. Africa is not looking for handouts - it is looking for help in nurturing the human capital, physical infrastructure and governmental capacity that are indispensable to development. In the process, the battle to keep Africa’s leaders to their promises of good governance and peace and stability is going to be a difficult one.

It is particularly true that Africa needs to do more itself. Many African leaders are good at talking the talk, but when it comes to walking the walk there is often little practical commitment to the fine rhetoric used to impress the developed world. Hence Ethiopian president Meles Zenawi, a key member of the Commission for Africa, has yet to undertake the most basic reform to attract foreign direct investment in a country where government policy - such as a ban on foreign private ownership of land and stifling bureaucracy - lie at the heart of much of that country’s poverty. There are many other examples of the failure of African leadership beyond the unwillingness to confront the excesses in Zimbabwe.

Some of the statistics make for sobering reading. In Africa, the number of people living on less than US$1 a day rose from 227 million in 1990 to 313 million in 2001. More than 160 million people on the continent live in slums and have no access to basic services such as healthcare, clean running water, sanitation, electricity and so on. The scourge of HIV/AIDS is hitting this continent hardest. About 25 million Africans were estimated to be living with HIV/AIDS in 2003. Three quarters of the world’s AIDS deaths occur in Africa. This adds to the havoc wrought by other diseases such as malaria and tuberculosis. Against this background Jeffrey Sachs notes that: “We have seen people preserving their spirit, integrity, commitment, and hope for the future even when they have little else.”

While ‘In larger freedom’ captures many of the things that Africa should do for itself, the international aid system is in as much need of reform as anything else. A recent report by ActionAid International focused attention on what many aid recipients know, but dare not speak of too loudly - that the world’s richest nations greatly exaggerate the amount they spend on aid to poor countries and that most of it - between 60 per cent and 90 per cent - is lost to waste, internal recycling within donor countries, misdirection, and high fees for consultants.

The ActionAid report ‘Real aid’ calls for going beyond the hype and reforming the official aid system to decrease the proportion of ‘phantom aid’. This can be done, the report says, only if the funds given as ‘aid’ are recognised as obligations to fulfil basic human rights rather than as charity, and if there is real mutual accountability rather than one-sided conditionality. While perhaps itself resorting to hyperbole, the report does demonstrate the extent to which the official aid figures exaggerate rich countries’ generosity. It claims that:

- In 2003, real aid was only $27 billion, or just 0.1 per cent of the donor countries’ combined national income, as against a UN target of 0.7 per cent of their gross national income for developed countries - the overseas development assistance targets for 2015 recently set again by the Organisation of Economic Cooperation and Development (OECD) and signatories to the Monterrey Consensus.
- Almost 90 per cent of the contributions of the US and France - two of the world’s largest aid donors - are what ActionAid calls ‘phantom aid’.
- The G7 countries (excluding Russia whose economy is the size of Switzerland’s) are the worst performers when it comes to real aid. On average, the world’s seven largest economies give just 0.07 per cent of...
national income in real aid. In other words, they would have to increase real aid tenfold to reach the UN target of 0.7 per cent.

The gulf between the Scandinavian countries and the rest is awesome. In real aid terms, for example, the Norwegians are 40 times more generous per person than the Americans and four times more generous than the average Briton.

In preparation for the inevitable hammering that it could expect from concerned civil society, the US administration embarked on a frantic media campaign to highlight its role as ‘Africa’s greatest friend’ in the run-up to the Gleneagles meeting. The purpose of the flood of statements in the days before the meeting in Scotland was to challenge “too much emphasis on the level of spending and too little on the need by Africans to implement democratic and economic reforms”, as argued by Secretary of the Treasury John Snow in remarks to the Council on Foreign Relations in New York on 28 June 2005. Snow referred to increased development assistance for Africa as ‘vitally important’ and peddled the near tripling of US assistance to sub-Saharan Africa, accounting for nearly a quarter of all official aid for the region.

Hence the importance of the almost simultaneous report released by the Brookings Institution in Washington with the title: ‘US foreign assistance to Africa: Claims vs reality’. At most, the report shows, US official assistance increased by 56% from fiscal year (FY) 2000 to FY 2004 – effectively debunking Snow’s (and President George Bush’s) repeated claims to have ‘tripled’ aid to sub-Saharan Africa. To his credit, Bush has been more attentive to the problems of Africa than his recent predecessors, but most of his aid increase consists of emergency food aid rather than assistance for sustainable development of the sort Africa needs to achieve lasting poverty reduction. Among the key findings of the Brookings reports are the following:

- In nominal dollars, the total US aid to sub-Saharan Africa increased from $2.034 billion in FY 2000 to $3.399 billion in FY 2004.
- In nominal dollars, of the $1.365 billion overall increase, $728.9 million, or 53 per cent, consists of emergency food aid rather than overseas development assistance that contributes to sustainable development. The remainder of the increase consists primarily of funding for President Bush’s HIV/AIDS initiative as well as emergency and post-conflict assistance to Liberia and Sudan.
- Actual development assistance, excluding food aid and security assistance, increased only 33 per cent from FY 2000 to FY 2004 in real dollar terms, or 43 per cent in nominal dollars. In nominal dollars, less than $450 million of the increased foreign aid to Africa is official development assistance.
- Official development assistance to Africa (aid programmes directed at sustainable development) increased by 43 per cent from FY 2000 to FY 2004.
- The only programmes that existed in FY 2000 and had more than doubled by FY 2004 were foreign military financing, which increased by 109 per cent, and emergency and post-conflict assistance to Liberia and Sudan.

While particularly low when compared with the levels of assistance that the US directs at countries such as Afghanistan and Iraq, Fortress America is ramping up assistance to Africa, if more modestly than the Bush administration may claim. But America’s total worldwide spending on all forms of foreign aid still amounts to a stingy 0.16 per cent of its gross national income, placing it near the bottom for developed countries. The Brookings report found that:

- From FY 2000 to FY 2005 (estimated), US aid to Africa will have increased by 78 per cent in real dollar terms or 93 per cent in nominal dollars: not quite a doubling, much less a tripling of aid. Of this increase, 50 per cent consists of emergency food aid.
- Actual development assistance, excluding food aid and security assistance, will have increased an estimated 74 per cent from FY 2000 to FY 2005 in real dollar terms, or 89 per cent in nominal dollar terms.

Taken together, the two reports help to separate
myth from reality as the leaders of the rich countries scramble to claim credit for significant, but modest action. As one commentator has argued: “Aid is simply money. Real reform costs votes.”

Giving money away intelligently is one of the most difficult things to do and there is every danger that the momentum that is leading to the modest increases in development assistance in 2005 and thereafter will soon be reversed. The challenge will inevitably be that after a relatively short period of modest ‘ramping up’ of aid levels, Washington and its allies in the World Bank, the IMF and elsewhere will claim, if not next year then the year thereafter, that more aid does not work and what is required is more focus on how it is used, that is, a return to greater conditionality and more modest levels of development assistance.

It is in this broader context of getting off the roundabout that the UN Secretary General’s report must be viewed - as part of an effort to take a structural leap off the recurrent cycles of modest debt relief and increases in development assistance on the one hand and Afro-pessimism on the other. The world has been there before, witnessed by the fact that we are, in real terms, roughly back to the levels of development assistance that Africa received in the early eighties. Even after the much talked about increases in development assistance, aid per capita remains below levels seen some decades previously.

In this process, Africa and its development partners (the new term for donors) are in a bind. Aid, like massive streams of income from natural resources, presents a structural problem in countries with poor governance. Free money provides no incentive to build systems of accountability between the governed and those governing - the natural product of tax regimes and local governance elsewhere. Giving aid to governments where democracy and accountability are weak means that government does not implement activities that benefit its people. Giving aid to civil society organisations means that government is bypassed and similarly this weakens any incentive to hold government accountable. At the same time, Africa has fallen so far behind that there can be no real movement (allowing Africa the ability to trade its way out of its current situation) without substantive external material support - building some level of infrastructure, for instance, to allow Africa to export its agricultural and natural resources and to add value to them without incurring associated additional taxes. The dilemma is perhaps best illustrated in Uganda under President Museveni. Despite its lack of multi-party democracy, Uganda has only been able to register its major achievements in poverty reduction through the direct help of donors. Sixty per cent of Uganda’s budget consists of overseas development assistance. At the same time, some would argue that these high levels of aid have allowed the president room to seek a third, unconstitutional term, to undermine democracy and disregard basic human rights.

Using their own calculations, only five countries from the developed world have reached the 0.7 per cent GNP aid target. What Africa needs is not another short spurt and then a slackening off as attention shifts elsewhere. The reform of international development assistance needs to go beyond the UK presidency of the G8 and of the EU. What is needed is to move towards a system where there is a true commitment to assisting the continent over the long term. One measure of that commitment would be a clear resolution at the UN General Assembly meeting that sets timetables for meeting donor commitments in real, not phantom terms. While there are many components to the reform of the international system that will determine the legacy of Kofi Annan, his contribution to changes to the way in which the world views its support to Africa are perhaps as important as the focus on the reform of the UN Security Council that demands so much energy and paper.
BOOK REVIEWS

WAR AND THE NEW DISORDER
21ST CENTURY
JEREMY BLACK

YOU, THE PEOPLE - THE UNITED NATIONS,
TRANSITIONAL ADMINISTRATION AND
STATE-BUILDING
SIMON CHESTERMAN

SECURITY SECTOR GOVERNANCE IN AFRICA:
A Handbook
NICOLE BALL AND KAYODE FAYEMI
This excellent little book manages in its 180 pages to raise a variety of disquieting questions about some of the West’s assumptions (often unconsciously held) about the nature of the post-Cold War ‘peace’ and the type of military preparedness required to preserve it.

Black argues that the end of the Cold War led to attempts to redefine an international order in which superpower conflict and the ultimate threat of mutual nuclear annihilation were replaced only briefly by concerns for a human security more broadly defined and guaranteed by multinational policing. Such musings were interrupted by the events of 11 September 2001, which re-aroused American militarism in the face of what suddenly appeared to be poorly controlled global disorder.

He sketches these developments against the deeper background of changes in popular Western thinking about the role and possible shape of future wars. Some of this thinking had been conditioned by the implausibility of waging interstate wars in circumstances where nuclear Armageddon would be a logical outcome. Economic and social advances in the richer countries of the world had also led to changes in popular consciousness in which the claims of the state to compel its citizens to do military service under dangerous circumstances were regarded with suspicion and even revulsion. This led to the comforting but premature assumption that conflict situations could in future be shaped to suit Western technological solutions.

In addition, there was a chain of thought that held that since the US now possessed an overwhelming preponderance of military power, based on its economic and technological hegemony, it was foolish to consider security in terms of the lessons of the major wars experienced in Europe and the Far East in the 20th century. Such thoughts came to be encapsulated in what became known as the revolution in military affairs (RMA), which added the dimension of information warfare to the range of military capabilities in which the USA was deemed unchallengeable.

Black believes that the emphasis on American pre-eminence is misplaced, not because he thinks that its technological superiority can be challenged in the foreseeable future, but because he doubts the wisdom of treating the leading military power as a paradigm force. Instead he sees the USA as essentially atypical, and its assumed dominance as based on Americo-Eurocentric preconceptions, which take the Western state as the norm and focus on technological triumphalism.

If nothing else, he argues, the events in post-intervention Iraq and Afghanistan should have given us pause for deeper thought. In
short, has the obsession with Western types of warfare led us to overlook the global diversity of conflicts? ‘Smart’ weapons and technological advances in military systems, he claims, have failed to incorporate the multiple contexts of war, and especially the idea of what ‘victory’ might mean in such circumstances and from varying perspectives.

Even the building blocks of what was once described as the international order are no longer as sturdy as they once seemed. Not only has there been an increase in domestic conflict, but the state’s loss of the monopoly of lethal force has had a remarkable effect on the conduct of foreign relations. Black goes on to analyse the difficulty of maintaining systems of international agreement and mediation, and notes the irony inherent in the West’s premature self-confidence that the end of the Cold War would herald a period of virtually untrammelled cultural, political and economic influence masquerading as globalisation.

From here he speculates on the future shape of conflict and the means with which it will be waged, emphasising the shortcomings of a narrowly technological approach.

The author is only too aware that so bold and broad a study, a series of linked essays, occasionally will leave the specialist reader uncomfortable about certain generalisations. But he is right to question the neat categorisations and classifications that have tended to lock thinking into an inflexibility that scarcely does justice to the fluid reality of international, and military, affairs.

If ever there was a book by this prolific historian that deserved a wide audience, this is it.

Richard Cornwell
This excellent book by Simon Chesterman, executive director of the Institute for Law and Justice at New York University, School of Law, is essential reading for any serious student or practitioner of peacekeeping, peace-building and current debates around post-conflict reconstruction. The book was completed in late 2004 when peacekeeping practice in Afghanistan (2002–) had departed from the expansive political functions in Kosovo (1999–) and East Timor (1999–2002), presenting a philosophical challenge to the increasing aggregation of sovereign powers exercised in United Nations (UN) peace operations since the 1990s. This became known as the ‘light footprint’, in which Lakhdar Brahimi sought to rely on as limited an international presence and as many Afghan staff as possible.

Transitional administrations represent the most complex operations attempted by the UN. The missions in Kosovo and East Timor are commonly seen as unique in the history of the UN. But they may also be seen as the latest in a series of operations that have involved the UN in ‘state-building’ activities. Here the UN attempted to develop the institutions of government by temporarily assuming some, or all, of those sovereign powers – but with very different levels of success.

Chesterman eschews the dead-end street of many analysts who use the framework of first-, second- and third-generation peacekeeping as the lens through which to understand UN missions. His view is that unpredictable events demanded new forms of missions with practice running well ahead of theory and that this will continue to happen. For him the focus must be on the local political context within which the various operations function – that is, the core function or purpose of the peace mission rather than its technical mandate in terms of Chapter VI or VII of the UN Charter. This is akin to approaches adopted by other noted scholars such as Michael Doyle and Jarat Chopra, who have proposed categories of transitional authority, and indeed of peacekeeping.

The first two chapters survey the brief history of transitional administrations, starting with the League of Nations and touching on colonialism and military occupation, then moving on to discuss the evolution of UN Security Council practice since World War II. Chesterman takes a refreshingly candid look at colonialism and the Trusteeship System – the former now condemned as an international crime and the latter untenable in today’s politically correct world – by arguing that: “An age less attuned to political sensitivities also provides a clearer-eyed assessment of the requirements of such administration, challenging the conventional wisdom that ‘ownership’ on the part of the local population is essential to the process” (p 6). He returns to this theme in a separate chapter, arguing that contemporary transitional administrations might benefit from being more, not less, ‘colonial’ at the outset of their mission. Other key and forceful arguments are presented eloquently but similarly provocatively and with irrefutable logic. For example, he takes a pragmatic view, based on his interpretation that the UN Security Council traditionally “provides legal authorization only for those enforcement actions that coincide with the willingness of certain key states to lead a military operation” (p 49). Hence his view that the reality of how
UN peace operations happen is the reverse of prescribed theory: “[M]ember states determine what resources they are prepared to commit to a problem and a mandate is cobbled together around those resource – often in the hope that a political solution will be forthcoming at some later date” (p 98).

Much of his argument on this issue refers to the fact that the UN Security Council had not explicitly authorised transitional administration-like powers in the three most complex and challenging instances, namely Congo (1960–1964), Somalia (1992–1995) and Sierra Leone (1999–).

Chapters 3 to 7 examine five key issues that have posed the greatest political and practical challenges to transitional administrations: peace and security, the role of the UN as government, judicial reconstruction, economic reconstruction, and exit strategies. On the first, he argues, persuasively, that the “single most important aim of any peace operation is to establish the conditions for sustainable security for the civilian population” (p 112) – a task that inevitably falls upon the military in the absence of a readily deployable UN civilian police force and one that will have to be accepted by military peacekeepers for years to come. But Chesterman goes beyond the provision of protection. In an immediate post-conflict environment lacking a functioning law enforcement and judicial system, rule of law functions may have to be temporarily entrusted to the military. Furthermore, when it comes to the administration and enforcement of the rule of law and law and order, he argues that sustainability (that is, local support and relevance) should generally take precedence over its international ‘quality’. Basically then, “... an appropriate balance of short-term measures to assert the (re-)establishment of the rule of law, and longer-term institution-building that will last beyond the life of the mission and the fickle interest of international actors” (p 182).

While peacemakers often speak of getting combatants to buy into a peace process, Chesterman argues (Chapter 6) that the dominant factor affecting how assistance is allocated and spent is the politics of the donor countries themselves. This is music to the ears of critics of donor politics, who would generally agree with his assessment that “[h]umanitarian and development assistance remains, therefore, a voluntary and essentially ad hoc enterprise” (p 203) where there is astonishingly little interest in assessing whether aid achieves what it is intended to do.

Beyond the requirement for civilian protection, Chapter 4 looks at the nature of governance (provocatively entitled ‘Consultation and Accountability: Building Democracy Through Benevolent Autocracy’) where Chesterman presents his view that local ownership may be the desired end state – indeed part of the exit strategy – of a transitional authority, but that it cannot be the means. Much of what Chesterman argues is base logic – hence it is difficult to fault his blunt view that the international community is too reluctant to accept that the legitimacy of a transitional administration stems, in large part, from military occupation and that the emphasis is too often on form (such as the technical prowess in running elections instead of measuring what elections are meant to achieve in themselves (local legitimacy and process). “More often than not,” he argues, “elections may simply be a short-term tactic that is used to encourage actors to buy into a peace process – or they are staged because they are part of an accepted template of what typically happens towards the end of a peace operation” (p 206). Inevitably the question of the proposed elections in Iraq (in October 2005) and the Democratic Republic of Congo (in 2006) comes to mind – although Chesterman does not deal with the prospects for either.

Some themes stand out in this book. One is the issue of political clarity about the purpose and end-state of any transitional administrative system – and realism about what is practically achievable. A second is the responsibility that inevitably accrues to military peacekeepers to protect civilians and provide law and order and how important this is to make an early impact. A third is the utility of elections, not as is often seen as an end in itself, but merely as an important step in a process where the ultimate criteria of success may not be to transpose democracy and impose international human rights standards, but to set a country off on a different path and break a cycle of conflict. A fourth is simply
that of practicality – that the judgement of a new constitution is not in the ‘objective’ (or Western) quality of its human and international rights standards, but in its improvement on a previous situation and the genuine ownership of new laws and institutions by an oppressed and abused public. It is both inaccurate and counter-productive, he argues, to assert that transitional administration depends upon the consent or ownership of local populations. “It is inaccurate because if genuine local control were possible than a transitional administration would not be necessary. It is counter-productive because insincere claims of local ownership lead to frustration and suspicion on the part of local actors” (p 239). A final theme is the requirement for predictability, relevance and local control (either by the mission or through engagement with the affected population) of relief and reconstruction funds. This being said, some of Chesterman’s prescriptions may themselves be too dirigiste, such as his view that local elections should precede national elections, and his disdain of the impact of ‘gender-mainstreaming’ in peace operations. Yet throughout Chesterman buttresses his arguments and views with a razor-sharp analysis of the characteristics of past and current peace missions – reflecting a profound understanding of peacekeeping in all its permutations and forms. At a time that the US (the unaware imperial power, in his view) is contemplating not an insurgency, but civil war in Iraq in the run-up to the October elections, one cannot but conclude with the logic that “[s]tate-building after a war will always take years, perhaps decades, and it is disingenuous to suggest otherwise to domestic publics … Elections may prove evidence of this transformation, but they are only a small part of what is required to realize it” (p 235).

This is a gem of a book.

Jakkie Cilliers
The issue of security is as old as civilisation. As civilisations evolved, human beings had to build collective security structures to protect themselves from other human beings and beasts. In the early civilisations of the Middle East, pastoral peoples formed the first city-states to provide defence and protection against nomadic marauding tribes. And so security services were born. Over the ages these security services have evolved and expanded their roles in the overall governance of the state. Unfortunately, owing to the power vested in them – the monopoly of force and violence – these security services often became powers unto themselves and threats to the state and the people. Coups d’état and military regimes were prevalent in much of Africa, Latin America and the Far East in the 20th century. There were also instances of governments misusing their security forces to protect the security of the regime rather than that of the people.

In the post-Cold War era, with a new focus on human security and democracy, there is an evolving understanding of the linkages between security and development in the under-developed world. Nobody disputes that security is a requisite for development, just as nobody can ignore the essentiality of development for ensuring sustainable human security. The human security paradigm makes development and security two sides of the same coin. Within this paradigm, how should the security sector be governed to ensure appropriate, adequate, accountable and affordable security services that will contribute to human security and development? This question is of particular importance in Africa, where the need for human security and sustainable development is paramount.

Security sector governance in Africa, a collaborative effort between the Centre for Democracy and Development in Lagos, the Centre for International Policy in Washington DC, and the Institute for Security Studies in Pretoria, is possibly the first attempt at developing a practical guide to the issues in security sector governance. It is heavily influenced by African experiences and thinking, and as such is of particular usefulness to Africa’s developing democracies and post-conflict states.

The book defines the security sector as comprising all institutions of state responsible for securing the state and its population from fear of violence. It is unique in that, according to this definition, it discusses not only defence (as often happens), but also governance issues related to the armed forces, the police, intelligence services, paramilitary forces, related ministries and departments and governmental oversight organisations, as well as non-state security bodies and civil society. It stresses the importance of civil oversight, transparency and accountability, and recognises that in good security sector governance all the actors must cooperate in a spirit of mutual trust and understanding as well as acceptance of their responsibilities.

The book is premised on the existence of a functioning democracy, the rule of law, and a system of checks and balances as conditions for good, democratic security sector governance. The security services do not exist in a vacuum and the issue of good governance is applicable to the state on the whole. Good security sector governance requires functional democratic governance structures such as the executive, parliament, parliamentary committees and other oversight bodies such as an auditor-general and public complaints commissions. The essence of good security sector governance is ensuring that the security services are aligned with the core...
values, principles and practices of democratic governance. The most important of these are transparency, accountability, a legal basis for the security services, and civil oversight.

The book offers practical guidance on the important function of policy development and implementation. Lack of a coherent policy framework often results in inappropriate and unaffordable security services. Policy provides clear guidelines for developing strategies and plans, enhances discipline in the utilisation of resources, provides predictability, and promotes performance measurement and accountability. Policy formulation is essentially a political process and security policies must be approved by parliament. The quality will be improved if policy formulation is an open and consultative process with all actors contributing equally. The chapter on policy development and implementation provides many diagrams and checklists to guide security sector practitioners.

Africa faces many challenges for sustainable development. In this light, responsible public expenditure management is crucial for ‘a better future for all’. The security sector, like all other sectors of government, should thus be subject to the principles and practices of good public expenditure management. The book discusses these in detail and provides guidance on planning, programming and budgeting processes as well as expenditure control. It does not attempt to prescribe an ideal model but focuses on universal principles and procedural guidelines. It stresses the importance of transparency and accountability in public expenditure management, but admits to the need for some degree of confidentiality in matters of national security. It argues that this does not justify a lower level of oversight or lack of adherence to the stated principles but a different form of oversight for specific areas of national security. The decision to deviate from standard practice should be subject to parliamentary approval. The chapter on managing financial resources provides step-by-step guidance for the execution of public expenditure management processes.

The book takes cognisance of the developments towards regional and sub-regional security cooperation in Africa and the establishment of the corresponding protocols and mechanisms. It positions security sector governance in the regional contexts and argues that the governance of the security sector requires a regional approach because of the common security needs of states, the cross-border nature of many security challenges, the need for collective responses and for coordination and harmonisation of the policies and actions of all actors. It argues that the main issues that have to be addressed by regional and sub-regional organisations are the harmonisation of policies and principles of security sector governance and monitoring the implementation of such policies. The underlying imperative is a commitment to democracy, human security and good governance.

The concluding chapter summarises the major challenges facing security sector governance in Africa. These include the lack of a tradition of democratic norms and practices in some countries; balancing the need for confidentiality with transparency, accountability and control; overcoming vested interests; ensuring a broad-based security sector approach; enhancing the knowledge base of all actors; and situating the transformation of security sector governance in the correct political context. These challenges are not unique to Africa. But in the African context, the challenge is to find African solutions to African problems.

Security sector governance in Africa makes an important contribution to the literature on this subject. Its most valuable attribute is its practical nature. Because it is based on African case studies particularly the work of African security sector researchers and practitioners, this adds to its relevance for the continent. In the foreword, Professor Alpha Oumar Konaré, chairperson of the African Union Commission, comments: “The practical tools and lessons presented here from a variety of experiences will inspire, support and assist our security institutions, military academies, research institutions, civil society organisations and international actors in the critical task of security sector governance in Africa.”
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