

## Resistance and Denial: Zimbabwe's Stalled Reform Agenda

### I. OVERVIEW

Transition and reform appear stalemated in Zimbabwe. Profound deficits remain in implementation of the Global Political Agreement (GPA) signed by Zimbabwe's three main political parties in September 2008. Prospects are remote for engaging core security and law-and-order concerns before elections that are anticipated within twenty months. Nothing significant has changed in the half year since April 2011, when the GPA's Periodic Review Mechanism reported that most outstanding issues were unresolved; that negotiated solutions are followed by interminable delays in execution appears to have become an entrenched pattern. Opportunities to build a foundation for sustainable political and economic recovery are consistently undermined. Violence and repression are pressing concerns; the police appear unwilling or unable to provide effective deterrence or remedy and the expectation of a more proactive engagement by the Joint Monitoring and Implementation Committee (JOMIC) around issues of political violence has yet to bear fruit.

The promise that the regional organisation, the Southern African Development Community (SADC), would take a more robust stand following the 31 March communiqué of its Organ Troika on Politics, Defence and Security has not yet been adequately borne out. The two competing formations of the Movement for Democratic Change (MDC) have largely welcomed the more proactive engagement of SADC's facilitation team, headed by South African President Jacob Zuma. But President Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) party, which retains the dominant role in the current power sharing arrangement, has frustrated it, not least because it wishes to preserve the monopoly control of the security sector it relies on as the ultimate line of defence for its hegemony.

An election endgame was implicit in the GPA. The questions were always when would the vote be held, and what reform could be achieved beforehand. SADC rejected ZANU-PF's claim that conditions for free and fair elections have or shortly can be met and its demand for a 2011 vote, saying that reforms were needed first. ZANU-PF's most recent call, in September, for elections in the first quarter of 2012 seems equally unrealistic; most analysts concur that

the earliest the country could conceivably be ready is late that year. The likelihood of further delays around finalisation of the constitution-writing process and implementation of election and media reform, as well as the security and law-and-order considerations, suggest, however, that the first half of 2013 is much more realistic.

An upsurge in political violence and repression in late October and early November, compounded by allegations of ZANU-PF and police complicity, has been interpreted by several analysts as a renewed attempt to force collapse of the GPA and an early vote. Mugabe's recent admission that he cannot force a 2012 date suggests the realisation is growing within the party that efforts to impose elections without consensus would be counter-productive, but powerful forces within it, especially those pushing for Mugabe's re-election candidacy, remain committed to a vote sooner rather than later. ZANU-PF's conference in Bulawayo on 6-10 December should clarify what it will push for.

SADC, as guarantors with the African Union of the GPA, needs to secure tangible progress on several key issues if elections are ultimately to be held in conditions that are sufficiently free and fair. The divisive security and law and order issues have essentially been ignored or avoided in the inter-party negotiations. The regional organisation needs to find a way to change this. Its strategy has been to reduce the GPA's reform agenda to a more manageable set of priorities and to strengthen monitoring of implementation. A draft election roadmap, reflecting unresolved GPA concerns, has been drawn up, but key disagreements on political violence, security sector reform, composition of the Zimbabwe Electoral Commission (ZEC) and GPA monitoring remain unresolved. In June, SADC approved the Organ Troika's recommendation to deploy a technical team to work with the JOMIC. Augmenting SADC's eyes and ears is essential to its ability to facilitate agreements, but symptomatically the deployment has still not happened.

Since the signing of the GPA, Crisis Group has continually identified two major transition challenges: to develop a mature political system that enables both cooperation and responsible competition between the political parties, and to cope with security issues that threaten to undermine meaningful reform. This briefing assesses SADC's post-March repositioning, as well as political and institutional developments related to the evolving security situation.

## II. IMPLEMENTING THE GPA

The prospects for meaningful reform in 2011 were always limited, even in areas where there was ostensible agreement. Changes that had been agreed in August 2010 were in effect shelved after ZANU-PF's decision, endorsed by its December conference, that the GPA had to be formally ended and elections held in 2011. An upsurge in violence and repression attributed largely to that party provoked an unexpected backlash from SADC, spearheaded by South African President Jacob Zuma, who was intent on getting the parties to focus on key reforms that would establish the conditions for free and fair elections. SADC's new tactics contributed to preventing a further escalation, but tensions and violence have continued to disrupt relations between the main protagonists. A resurgence of violence in late October and early November has prompted calls for peace from across the political spectrum<sup>1</sup> and a reported undertaking that SADC's Organ Troika on Politics, Defence and Security "will meet to tackle the Zimbabwean crisis".<sup>2</sup> But there are serious concerns that even a refined reform agenda is beyond reach.

The GPA was intended to provide a foundation for the country's interconnected political and economic crises. Instead, the Inclusive Government (IG)<sup>3</sup> it spawned has been unable to extricate itself from partisan agendas; it has become a battleground for comparative advantage, for the MDC formations to seek to further their tenuous grip on executive power and to level the playing field for an election they are confident they can win against a recalcitrant ZANU-PF determined to block reforms that threaten its hegemony.<sup>4</sup> Crucially, the MDCs have virtually no influence over the security sector, which is the vital line of defence for ZANU-PF in a context where its electoral le-

gitimacy is increasingly questioned. The old ruling party has tied its interpretation of national security to its own survival, so labels opposition to and even criticism of its policies in that sector as counter-revolutionary, therefore illegitimate.

Despite the poor progress in addressing reforms and security challenges, the GPA continues to provide a coherent framework for putting in place conditions for credible elections.<sup>5</sup> Securing political consensus and translating that into tangible actions on the ground could have laid a solid foundation for transition. But this has not happened, and despite providing a semblance of cooperative government and service delivery, achievements on key issues, especially those relating to security governance concerns, have been paltry and overshadowed by systemic violations of the GPA that illustrate the partisan nature of the criminal justice system. This in turn reflects the profound deficiencies of political will that characterise power relations.

The IG's review, hastily compiled in April 2011 by the very negotiators responsible for lack of progress, was thin on content.<sup>6</sup> It skirted many issues, providing little guidance on what should be done other than to confirm that the primary disputes relate to rule-of-law, freedom of assembly and association, allegations of unconstitutional behaviour by state security institutions and political violence. ZANU-PF disputes the MDC formations on each issue.<sup>7</sup> The review also highlighted deficits relating to media and electoral reform and delays in activating democracy-supporting institutions but reduced the cabinet's polarisation on these issues to a "lack of clarity" over an election date.<sup>8</sup>

<sup>1</sup> Peta Thornycroft, "Zimbabwe's Mugabe and Tsvangirai talk peace", [www.voanews.com](http://www.voanews.com), 11 November 2011.

<sup>2</sup> "SADC steps in", [www.dailynews.co.zw](http://www.dailynews.co.zw), 9 November 2011. The MDC-T, the formation headed by Prime Minister Morgan Tsvangirai, renewed its call for external intervention in a dossier submitted to the SADC facilitator detailing recent political violence, the closure of democratic space, selective application of the law and arbitrary arrests (including a claim that over 600 MDC officials, members and activists have been arrested since January), continued partisan reporting and anti-MDC hate speech in the state media, income generation outside of Treasury control (particularly security sector involvement with Marange diamonds) and the need for security sector realignment.

<sup>3</sup> The term refers to the mixed government that was put in place pursuant to the GPA, with Robert Mugabe remaining as president and a cabinet including both ZANU-PF and the former MDC opposition, with Morgan Tsvangirai, the head of the MDC-T formation, as prime minister.

<sup>4</sup> Crisis Group Africa Report N°173, *Zimbabwe: The Road to Reform or Another Dead End?*, 27 April 2011.

<sup>5</sup> Ibid.

<sup>6</sup> "The First Review of Progress on the Implementation and Achievement of the Priorities and Objectives set out in the Global Political Agreement", Periodic Review Committee, April 2011.

<sup>7</sup> ZANU-PF insists that an externally driven regime change agenda, characterised by sanctions and pirate radio stations, is at the heart of Zimbabwe's political and economic crisis.

<sup>8</sup> "The First Review of Progress", op. cit. Media reform, especially with respect to the broadcast media, has not advanced. The only alternatives to state radio and television are based outside the country. Applications for two independent radio licenses to are still pending at the Broadcasting Authority of Zimbabwe, prompting concerns that licenses may not be issued before elections. "Zimbabwe media liberalization advocates grow impatient on radio license", [www.voanews.com](http://www.voanews.com), 29 September 2011. The Human Rights Commission, though constituted is without governing legislation and a budget. There are serious concerns about the diluted content of draft legislation that in effect "would disable it from its inception". Crisis Group interview, human rights defender, 2 September 2011.

The timing of the next elections is especially controversial.<sup>9</sup> All parties agree that the constitution-making process and referendum must be completed first.<sup>10</sup> Projections as to when this will happen are contingent on funding, but also on the pace of drafting and vary even between the co-chairs of the Constitution Parliamentary (Select) Committee (COPAC).<sup>11</sup> As much as 80 per cent of the constitution's likely content was not part of the outreach and submission process and will have to be negotiated in the COPAC.<sup>12</sup>

ZANU-PF's official position is that elections must be held within months. It argues that the MDC-T<sup>13</sup> is deliberately dragging out the reform process to avoid a vote it knows it cannot win.<sup>14</sup> It is likely that its urgency is due to a desire to ensure that the 87-year-old Mugabe – its only strong national figure – is still fit enough to run for re-election to the presidency.<sup>15</sup> Conversely, the MDC-T will not support an election process unless core reforms are implemented.<sup>16</sup> But neither party is strong enough to impose its preference

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<sup>9</sup> Section 58(1) of the constitution provides that an election must be held within four months of the president dissolving parliament. Section 63(4) stipulates that parliament's term is five years, from the day the president is sworn into office. Mugabe was sworn in on 29 June 2008. Pursuant to Sections 63(5) and (6), the parliament's term can be extended in time of war for up to five years and during a state of emergency for up to one year. Section 63(1) gives the president power to dissolve parliament, but under Amendment Nineteen of the Constitution and Section Schedule 8, "Transitional Amendments and Provisions", he can only do this "in consultation with the Prime Minister". This theoretically gives Morgan Tsvangirai a veto but falls away once the GPA is terminated. All GPA parties agree this should only happen once there is a new constitution, but there is considerable ambiguity about what happens if the COPAC process founders or the draft is rejected and whether the president could unilaterally dissolve parliament on the argument that the GPA was no longer applicable.

<sup>10</sup> Despite this commitment, some in ZANU-PF believe they have a right to jettison the process, especially if they feel it is being used to delay elections. Crisis Group interview, Jonathan Moyo, ZANU-PF parliamentarian and politburo member, Harare, 1 August 2011. Rumours have recently begun to circulate that elements in ZANU-PF are keen to promote a "no vote" in the referendum, in order to facilitate the collapse of the GPA and fast-track presidential and parliamentary elections. Crisis Group telephone interview, political analyst, 10 November 2011.

<sup>11</sup> Crisis Group interviews, Paul Mangwana and Douglas Mwonzora, ZANU-PF and MDC-T COPAC co-chairs, 30 August 2011. Mangwana said there was substantive agreement on most issues, and the referendum could be held by year's end. Mwonzora cautioned that broad substantive agreement does not automatically translate into a smooth drafting process. By mid-October, COPAC had reportedly made some progress. "Parties adopt draft constitution framework", *The Zimbabwe Independent*, 13 October 2011. According to MDC-T, a constitutional referendum is most likely between April and May 2013. "Referendum delay body blow for Mugabe plan", *The Zimbabwe Independent* (online), 3 November 2011.

<sup>12</sup> Welshman Ncube, "SADC/Zimbabwe Road Map: The Role of JOMIC and the Challenges Ahead", presentation to the Policy Dialogue Forum of the Southern African Political Economy Series (SAPES) Trust, Harare, 14 July 2011. Ncube argued that the bulk of the content of the draft constitution will have to be negotiated at the drafting stage, without much direction from the input provided from the outreach and submission processes, which formed the primary areas of public participation in the constitution making process. For more detail on the outreach

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process, see Crisis Group Report, *Zimbabwe: The Road to Reform or Another Dead End?*, op. cit.

<sup>13</sup> MDC-T is the formation headed by Prime Minister Morgan Tsvangirai. The smaller MDC formation is MDC-N, previously known as MDC-M after its former leader Arthur Mutambara, who remains a deputy prime minister pursuant to the GPA dispensation and is contesting in the High Court the validity of his replacement as formation head by Welshman Ncube. Mutambara's retention of one of the deputy prime minister's positions is controversial, as he ostensibly represents no political party. That he remains in office reflects the concurrence of both Mugabe and Tsvangirai.

<sup>14</sup> Crisis Group interviews, R.E.N Gumbo, ZANU-PF information and publicity secretary, Harare, 2 August 2011; Jonathan Moyo, ZANU-PF parliamentarian and politburo member, Harare, 1 August 2011. They accused the MDC-T finance minister of deliberately withholding COPAC funds that do not exist.

<sup>15</sup> The controversy around succession is complicated by contradictory constitutional provisions that would come into play should Mugabe die or be incapacitated in office. Article 20.1.10 of Schedule 8, reflecting the GPA, provides that in such a situation the vacancy "shall be filled by a nominee of the Party which held that position prior to the vacancy arising", that is, ZANU-PF. This new provision, however, coexists with the earlier provision that would allow one of the two vice presidents to take over the presidency for a defined period, until an electoral college selects a new president by a two-thirds majority (Section 29(3) of the Constitution). It is not clear how these provisions might be reconciled or interpreted in practice. ZANU-PF would no doubt want to avert a situation in which the two MDC formations might join with its own more reform-minded elements to determine the new president. Much would depend on which elements within the party could push through their agenda and whether (and who) Mugabe might have identified a preferred successor. Derek Matyszak, "Thinking inside the box", Research and Advocacy Unit, November 2011.

<sup>16</sup> Crisis Group interview, Jameson Timba, MDC-T minister in the prime minister's office, Harare, 30 July 2011. The MDC-T is now more closely aligned with the MDC-N position that elections should be held only after necessary reforms, even if the full five years following the March 2008 elections are needed. Recent interviews suggest, however, that some in the MDC-T leadership believe elections will be held in the third or fourth quarter of 2012. Crisis Group interviews, October-November 2011. Recent reports suggest some sort of consensus may have been reached on elections being held as soon as possible. Tererai Karimakwenda, "Principles agree to early elections", [www.sw-radioafrica.com](http://www.sw-radioafrica.com), 10 November 2011.

unilaterally.<sup>17</sup> SADC has put ZANU-PF under pressure by articulating broad support for further reforms as a precondition. The questions remain, however, as to what types and level of reform SADC will consider sufficient for elections to proceed and whether the GPA signatories are willing and able to translate commitments they negotiate into concrete action.

## A. CONTRADICTIONARY NARRATIVES

Over the last six months, an acerbic public discourse has arisen about the need to bring the security sector, which is accused of blatant loyalty to ZANU-PF, under non-partisan control. The MDC formations and civil society point to a legacy of partisanship and abuse, ongoing violations and impunity, inadequate institutional control and the public political posturing of key securocrats. They argue that there can be no sustainable solution to the political impasse until these issues are addressed, and that politicised elements in the security sector close to hardline ZANU-PF leadership factions hold the reform process hostage.<sup>18</sup> MDC leverage on these issues is acutely limited, as ZANU-PF retains almost exclusive control of the security ministries. Its two formations continue to look to SADC for solutions, in particular on the security sector, arguing its facilitation team must play a more hands-on role.<sup>19</sup>

ZANU-PF rejects this line, arguing that the primary security consideration remains defence of the independence struggle against the regime change agenda promoted by imperialist interests allied with local political and civil society agents.<sup>20</sup> This is a self-serving argument, but it draws upon a residue of legitimacy on a continent where the contest between colonial and liberation movement interests is a potent living memory. Mugabe's party has adopted a strategy that on the one hand professes com-

mitment to the GPA and SADC facilitation, but on the other seeks to delegitimise criticism and convert the reform process to a window-dressing exercise. It claims major change has already taken place, that the MDC formations are introducing new issues beyond the scope of the GPA matrix and have themselves reneged on GPA commitments, especially with respect to removal of international sanctions.<sup>21</sup>

Needing to neutralise widespread allegations of abuse, ZANU-PF now acknowledges some political violence but claims it has been grossly exaggerated.<sup>22</sup> The primary perpetrator, it says, is the MDC-T, which, with civil society funding, is conducting a multifaceted assault against national interests that includes a campaign to undermine security institutions under the guise of security sector reform. Powerful elements within the party worry that SADC's facilitation team, and by extension the regional body's heads of state, accept that MDC and civil society concerns need to be addressed.<sup>23</sup> Its leadership has drawn a red line, asserting it will not allow the GPA to be used to negotiate it out of power and that discussion of security sector reform is off limits.<sup>24</sup>

There is an increasing recognition within SADC that Zimbabwe's instability is a fundamental human security challenge for the region.<sup>25</sup> Economic recovery had looked promising after the GPA was signed but has plateaued and is unlikely to make further significant strides without foreign investment and access to capital that is contingent on long-term political stability. The situation has been exacerbated by the bullying tactics employed to promote ZANU-PF's economic indigenisation program,<sup>26</sup> an initia-

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<sup>17</sup> Speculation continues that Mugabe could break up the Inclusive Government and call for elections. This would risk further ostracism from SADC. In early October, he reportedly told ZANU-PF that though he wanted them soon, he was "not in control of the mechanism that would lay the road to elections". Gillian Gatora, "Zimbabwe's president says he can't force 2012 vote", Associated Press, 6 October 2011.

<sup>18</sup> Crisis Group interviews, MDC and civil society members, Harare, July-September 2011.

<sup>19</sup> This feeds an impression that some in Zimbabwe are overly concerned with external views and that more effort should be made to explore internal options for promoting convergence on key transitional priorities, including security sector reform. Crisis Group telephone interview, political analyst, 24 October 2011.

<sup>20</sup> Crisis Group interviews, ZANU-PF members, Harare, August-September 2011. Recent allegations about the support provided by USAID's Office of Transitional Initiatives to Zimbabwean civil society groups have been profiled in the pro-ZANU-PF weekly, *The Patriot*, as evidence of what it sees as a regime-change agenda. See Nos. 26 and 27, 4-10 and 11-17, November 2011.

<sup>21</sup> Crisis Group interviews, ZANU-PF members, Harare, August-September 2011.

<sup>22</sup> ZANU-PF points to statements by Mugabe and its leadership denouncing political violence. Some ZANU-PF supporters have been prosecuted and convicted ("Rare conviction of Mugabe loyalists", Voice of America, 27 September 2011), and Mugabe promised, at the September opening of parliament, a review of the National Youth Service, although this would be unlikely to include its role in political violence.

<sup>23</sup> Another significant indicator of the hardening position was South Africa's call for investigation of the 2008 violence at the UN Human Rights Universal Period Review for Zimbabwe. "Investigate 2008 killings – SA", *NewsDay*, 12 October 2011.

<sup>24</sup> Crisis Group interviews, ZANU-PF members, Harare, August-September 2011.

<sup>25</sup> The Southern Africa region recognises the longer-term importance of having a stable Zimbabwe, but this does not necessarily translate into pressing short- or medium-term policy for individual SADC countries, whose current economic projections do not place great weight on Zimbabwe's economic recovery. Crisis Group interview, political analyst, London, 2 November 2011.

<sup>26</sup> Crisis Group interview, Zimbabwean economist, Harare, 31 August 2011. The Indigenisation and Empowerment legislation provides that businesses with a prescribed asset value must

tive intended to force foreign-owned companies to introduce plans that would ensure at least 51 per cent local ownership. Both supporters and detractors have compared it with ZANU-PF's land reform program, and it has been roundly criticised for raising the spectre of further lawlessness and expropriation.<sup>27</sup> The program has, however, induced wide-ranging recommendations from a number of businesses for ownership diversification that without a degree of pressure may not have been forthcoming.<sup>28</sup>

ZANU-PF blames sanctions for all the country's troubles, including the lack of movement on reforms. There is a strong and growing voice from within civil society and all parties that sanctions should be lifted, not because this would necessarily have a significant economic impact – the country has to deal with more fundamental structural deficits to produce a broad-based recovery and address endemic levels of unemployment and poverty – but rather to remove what has become a political impediment domestically and for SADC's facilitation efforts.

## B. SADC'S HARDENING RESOLVE AND POLITICAL RESPONSES

SADC's 31 March 2011 statement, known as the Livingstone communiqué, berated lack of progress on the GPA and acknowledged the problem of political violence. It proposed direct involvement to assist with formulation of guidelines for elections and the deployment of SADC officials to work with the JOMIC to boost monitoring and evaluation capacities.<sup>29</sup> This signalled an intention to take a more hands-on role with regard to negotiated agreements and to push the party negotiators toward an election roadmap, still rooted in the GPA framework but that would address core priorities requiring attention in the build-up to elections.<sup>30</sup> Endorsement of the communiqué by SADC

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within five years "cede a controlling interest of not less than 51 per cent of the shares and interests therein to indigenous Zimbabweans". The legislation is premised on redressing historical injustices but resembles South Africa's controversial black economic empowerment program, which greatly benefited a small minority. In 2010 and 2011, the International Monetary Fund raised concerns about the impact on economic recovery of the Zimbabwe policy. See its "Zimbabwe: Staff Report for the 2010 Article IV Consultation", 29 April 2010; and "Zimbabwe: Staff Report for the 2011 Article IV Consultation", 12 May 2011.

<sup>27</sup> Derek Matyszak, "Everything you wanted to know (and then some) about Zimbabwe's Indigenisation and Economic Empowerment Legislation but (quite rightly) were too afraid to ask", 2nd edition, Research and Advocacy Unit, May 2011.

<sup>28</sup> Crisis Group interview, Zimbabwean economist, Harare, 31 August 2011.

<sup>29</sup> "Communiqué – Summit of the Organ Troika on Politics, Defence and Security Cooperation", Livingstone, 31 March 2011.

<sup>30</sup> Crisis Group interview, member of SADC facilitation team, Pretoria, 7 September 2011.

heads of state at their June and August summits<sup>31</sup> was a political set-back for ZANU-PF and reflected palpable frustration with Zimbabwe that in turn signalled growing concern about the implications for both the country and the region.<sup>32</sup>

SADC's hardening position has put ZANU-PF on the back foot, provoking denial and counter-allegation, refuting the substance of the allegations raised by the MDCs, and charging the MDC-T as the primary progenitor of public violence in Zimbabwe. Allegations of Zimbabwe Republic Police (ZRP) partisanship and of prosecutorial bias, as well as of security force complicity in intimidation and violence, are rejected as part of an agenda to delegitimise the security institutions.<sup>33</sup> The party challenges the MDCs to provide evidence of abuse, dismisses the available data as fabrication, argues that an independent verification process is unnecessary and says the ZRP is the appropriate body to process complaints.<sup>34</sup> It has man-

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<sup>31</sup> "Communiqué – Extraordinary Summit Heads of State and Government", SADC, Sandton, 11 June 2011; "Communiqué of the 31st SADC Heads of State and Government Summit", Luanda, 18 August 2011.

<sup>32</sup> Crisis Group interviews, Welshman Ncube, MDC-N president; Priscilla Mishairabwi-Mushongo, MDC-N negotiator and international cooperation minister, Harare, 2-3 August 2011; Elton Mangoma, MDC-T negotiator, JOMIC co-chair and energy minister, Harare, 1 September 2011; and member of SADC facilitation team, Pretoria, 7 September 2011. ZANU-PF made concerted efforts in the build-up to Sandton to get the Livingstone communiqué reviewed, arguing that the facilitator's report represented only MDC views and that troika protocol had been flouted by not allowing the parties, as before other summits, to critique it before the communiqué was issued. See also, "Current Issues on the Implementation of the Global Political Agreement (GPA): The ZANU-PF Perspective", ZANU-PF Department of Information and Publicity, June 2011. Crisis Group interviews, Harare and Pretoria, August-September 2011. Although there is wide agreement there has been a SADC shift, there is some concern South Africa has still been left to do most of the running. Lindiwe Zulu, President Zuma's adviser, said, "as we move closer to the issues of elections for instance, we need to even have more people from the SADC who are going to be able to assist and make sure ultimately SADC itself is comfortable not just leaving it to South Africa, but it's an addition, and the more hands you have the better in this situation". "Southern African mediators to assist Zimbabwe's election preparations", Voice of America, 29 September 2011. This makes sense; actions need full regional backing for legitimacy.

<sup>33</sup> Crisis Group interviews, ZANU-PF cabinet and politburo members, August-September 2011.

<sup>34</sup> Crisis Group interviews, Brigadier General Asher Walter Tapfumaneyi, director in office of the president, Harare, 4 August 2011; Patrick Chinamasa, ZANU-PF negotiator and justice minister, Harare, 1 September 2011. See also, "Tsvangirai must stop the violence", press release, ZANU-PF Department of Information and Publicity (undated, 2011). Before the Sandton summit, well-known ZANU-PF personalities launched two re-

aged, thereby, to neutralise any examination of events and possible responses<sup>35</sup> and highlighted the weakness of the JOMIC, which has a GPA mandate to intervene in cases of political violence but must do so by committee and lacks the necessary resources or powers to act independently of the ZRP.<sup>36</sup>

Officially, ZANU-PF continues to welcome SADC's facilitation role<sup>37</sup>, but some senior party members consider that the facilitation team has overstepped its mandate and that the tougher line endorsed by the regional organisation is a move from "facilitation to dictation".<sup>38</sup> The party has resisted deployment of SADC's technical team to JOMIC<sup>39</sup>

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ports: "Movement for Democratic Change (MDC-T): The Culture of Violence, Volume 1 & 2", *Zimbabwe Today*, May 2011, setting out incidents of MDC-T responsibility for violence against members of the security forces, media and public, inter- and intra-party violence and "transnational terror". "ZANU-PF loyalists launch violence magazine", *The Zimbabwe Mail*, 27 May 2011. This followed partisan reports compiled by the ZRP in 2007-2008: "Opposition Politics in Zimbabwe: A Trail of Violence" and "Opposition Forces in Zimbabwe: The Naked Truth", March/April 2007, in the wake of SADC's formal intervention in the crisis, and "Opposition Forces in Zimbabwe: The MDC(T) Profile of Treachery", 16 April 2008, as the violent election campaign began.

<sup>35</sup> According to some interviewees, this is part of a broader ZANU-PF strategy to mirror allegations against it so as to neutralise debate over other key reforms. For example, it accuses the MDC-T of using private media and "pirate radio stations" as "a smokescreen to cover their hate tirades against ZANU-PF and its leadership". See "Current Issues", op. cit. It is also intended to neutralise the effectiveness of JOMIC, which have made several critical statements about the state media and the importance of opening up the broadcast media. See, "State media biased", *Financial Gazette*, 24 June 2011. In September, ZANU-PF submitted a formal complaint to JOMIC about media reporting.

<sup>36</sup> Crisis Group interviews, human rights defenders, Harare, August-September 2011.

<sup>37</sup> Crisis Group interview, R.E.N Gumbo, ZANU-PF information and publicity secretary, Harare, 2 August 2011.

<sup>38</sup> Crisis Group interview, Jonathan Moyo, ZANU-PF parliamentarian and politburo member, 1 August 2011. Moyo has been at the forefront of vitriolic attacks on Zuma and his facilitation team, arguing they are incompetent, have acted unprofessionally, and their actions have "provoked us to attack them publicly". Moyo, "Lindiwe Zulu should just shut up", *Saturday Herald*, 16 July 2011. Moyo's article was not publicly endorsed by the party, but neither was it censored, suggesting he had significant support to articulate such views. A subsequent campaign in the pro-ZANU-PF press argued that Zuma could not be both head of the SADC troika (a position he assumed in August) and facilitator; some ZANU-PF members, including Godson Nguni at a meeting of the Crisis in Zimbabwe Coalition, Harare, 4 August 2011, began to say publicly that SADC had been subverted into a vehicle for regime change.

<sup>39</sup> ZANU-PF is still discussing the five-point terms of reference recommended by SADC's troika in June. It is reported to have

and refuses to negotiate key points of disagreement in the election roadmap (see below).

MDC-N considers the facilitation team's more hands-on engagement as appropriate in the circumstances, as Mbeki's quiet diplomacy had been in the pre-Inclusive Government context, and a necessary counterweight to ZANU-PF's negative capacities.<sup>40</sup> MDC-T welcomes the "clear signal" that SADC recognises its concerns are legitimate<sup>41</sup> but worries that the follow-up has been somewhat lacklustre.<sup>42</sup> It is particularly keen for the SADC team to monitor first-hand what is happening on the ground.<sup>43</sup> Despite an increasingly common position on core reform issues, however, the MDC formations have been unable to overcome their legacy of mistrust and personal animosity and broker a long-term strategic partnership.<sup>44</sup> Several interviewees raised concerns that they have not actively built on the momentum generated by the Livingstone communiqué, especially to consolidate regional support, are overly reliant on SADC to provide direction and solutions and are not

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rejected any mandate involving the troika's representatives intervening in Zimbabwe's affairs. "SADC drags feet on appointing reps to assist JOMIC", SW Radio Africa, 25 August 2011; and "ZANU PF, SADC clash ... as party plots to snub bloc's monitors", *Daily News*, 2 September 2011. According to Lindiwe Zulu, President Zuma's international relations adviser and facilitation team member, this is not an official ZANU-PF position. See "Southern African mediators to assist Zimbabwe's election preparations", Voice of America, 29 September 2011. But the statement appears to fit a pattern of unofficial critiques designed to test the waters, while retaining a degree of deniability. While ZANU-PF may not be able to prevent SADC deployments, several interviewees noted there are endless opportunities to undermine them. Moyo's appointment to JOMIC in September is seen as a ZANU-PF effort to contain further possible fall out from more effective monitoring. "Zimbabwe: ZANU PFs propaganda chief seconded to the JOMIC", SW Radio Africa, 20 September 2011. According to MDC-T spokesman Douglas Mwonozora, the technical committee will be in Zimbabwe by the end of November. "SADC to deploy Troika team to Zimbabwe in a fortnight", SW Radio Africa, 3 November 2011.

<sup>40</sup> Crisis Group interview, Welshman Ncube, MDC-N president and industry and commerce minister, Harare, 2 August 2011.

<sup>41</sup> Crisis Group interview, Elton Mangoma, MDC-T negotiator, JOMIC co-chair and energy minister, Harare, 2-3 August 2011.

<sup>42</sup> Crisis Group interview, MDC-T cabinet member, Harare, 29 July 2011.

<sup>43</sup> "Zimbabwe's joint monitoring panel expresses disappointment with SADC", VOA.news.com, 18 July 2011.

<sup>44</sup> Crisis Group interview, political analyst, Harare, 2 September 2011. Tensions continue to be exacerbated by personal attacks ("Uneducated' PM out of his depth: Ncube", www.newzimbabwe.com, 18 September 2011) and the retention of Arthur Mutambara as deputy prime minister, with the apparent support of both Mugabe and Tsvangirai.

doing enough to take advantage of opportunities for convergence with ZANU-PF elements.<sup>45</sup>

While the SADC shift is regarded as crucial, the endgame remains unclear.<sup>46</sup> How much leverage will the regional organisation exert and what can it accomplish? It is significant that there are no detractors in public to its new approach, but traditional regional allies of Zimbabwe – Angola and Namibia – are somewhat reluctant to actively support Zuma.<sup>47</sup> SADC is thus likely to proceed cautiously, as it seeks to consolidate consensus and at the same time prod the Zimbabwean parties forward. The primary challenge is said to be not at the talks, where constructive chemistry between the negotiators has developed,<sup>48</sup> but rather with the party principals.<sup>49</sup> It is critical to break the pattern of apparent agreement followed by non-implementation that has come to characterise the process. MDC negotiators express shock at the disconnect between the tenor of the negotiations and the vitriol expressed, especially by ZANU-PF, outside the forum.<sup>50</sup> A more hands on approach by the facilitators,<sup>51</sup> what a senior MDC-T interlocutor called the “imperative of micromanagement”, is needed.<sup>52</sup>

### C. CHARTING THE WAY FORWARD: JOMIC AND THE ELECTION ROADMAP

The SADC team has focused on JOMIC's important role – augmenting its eyes and ears on the ground – and the development of a credible electoral roadmap. JOMIC has been a much neglected instrument, under-resourced and

ill-equipped to fulfil its mandate.<sup>53</sup> Its consensual operation is cumbersome but has secured some, albeit limited results.<sup>54</sup> SADC's decision to deploy a permanent technical team, while still delayed, demonstrates an important commitment to building institutional legitimacy and seeing for itself whether the process is working.

During the first quarter of 2011, JOMIC was given a new impetus with the development of a strategic plan and the establishment of subcommittees dealing with violence, media, human rights, land and sanctions, as well as an operational subcommittee to oversee all its operations. It has identified a range of violations on rule of law and acknowledged that “public pronouncements by some civil servants and security agents threaten free political activity”,<sup>55</sup> although “the behaviour of the police differs from province to province”.<sup>56</sup> However, it has little power to address these issues.<sup>57</sup>

JOMIC was tasked with establishing “district liaison committees” and by mid-April 2011 had met with political structures in each province, prompting a realisation that it urgently needed to extend its reach. The subsequent development of the liaison committees across the country has been uneven and incomplete. Concerns have also been raised about their political nature, and JOMIC says it has plans to include civil society and traditional leadership representatives. Currently, the committees have ten members, three from each GPA signatory – including its main, youth and women's wings – and a police representative.<sup>58</sup> Between September and December, 36 new appointments (one from each signatory for each of twelve provinces) will be made to help satisfy the mandate.<sup>59</sup>

Although they have a broader mandate, these district liaison committees are likely to become the official frontline

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<sup>45</sup> Crisis Group interviews, Harare and Pretoria, August-September 2011. An MDC-T minister told Crisis Group he was aware of strong perceptions “from outsiders” that the MDC-T should do more to set agendas and push particular objectives but felt this showed lack of understanding about what was being achieved and of conditions. Crisis Group interview, Harare, 29 July 2011.

<sup>46</sup> Crisis Group interview, Western diplomat, Harare, 4 August 2011. Another Western diplomat confided that many Western missions were extremely uncomfortable “having all their eggs in the Zuma basket”, but acknowledged there was no other game plan, and they had to support SADC, however opaque the process appeared.

<sup>47</sup> Crisis Group interview, African National Congress National Executive Committee member, September 2011.

<sup>48</sup> Crisis Group interviews, MDC-T, MDC-N and ZANU-PF negotiators, Harare, August-September 2011.

<sup>49</sup> Crisis Group interview, member of SADC facilitation team, Pretoria, 7 September 2011.

<sup>50</sup> Crisis Group interviews, Priscilla Misihairabwi-Mushonga, MDC-N negotiator and international cooperation minister, Harare, 3 August 2011; Elton Mangoma, MDC-T negotiator, JOMIC co-chair and energy minister, Harare, 1 September 2011.

<sup>51</sup> Crisis Group interviews, political and security analysts, August-September 2011.

<sup>52</sup> Crisis Group interview, Tendai Biti, MDC-T negotiator and finance minister, 29 July 2011.

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<sup>53</sup> Welshman Ncube, “SADC/Zimbabwe Road Map”, op. cit. Crisis Group Report, *Zimbabwe: The Road to Reform or Another Dead End?*, op. cit.

<sup>54</sup> Crisis Group interview, human rights defender, Harare, 2 September 2011.

<sup>55</sup> “JOMIC Workplan: 16 January 2011”. The Workplan emerged from the JOMIC retreat at Nyanga, 14-16 January 2011.

<sup>56</sup> JOMIC subcommittee reports have tried to encourage proactive engagement with the police. The operations subcommittee met with senior police and raised an array of complaints levelled against the force, relating to poor and selective policing, partisanship and unprofessional behaviour. The ZRP categorically denied them. “JOMIC Operations Subcommittee Report – January-April 2011”.

<sup>57</sup> Derek Matyszak, “Zimbabwe's Security Sector – who calls the shots?”, Research and Advocacy Unit, July 2011.

<sup>58</sup> “JOMIC Operations Subcommittee Report”, op. cit.

<sup>59</sup> Crisis Group interview, Elton Mangoma, MDC-T negotiator, JOMIC co-chair, energy minister, Harare, 1 September 2011.

for dealing with political violence.<sup>60</sup> It remains to be seen whether they will be able to fulfil this role, especially as they are already stretched and, if successful, are likely to receive even more cases.<sup>61</sup> The inclusion of the ZRP presents legitimacy challenges but also an opportunity to promote a measure of accountability. In March, the ZRP commissioner general, Augustine Chihuri, established a team of senior officers to work closely with JOMIC and agreed to submit investigation reports to it. In turn, JOMIC will accept complaints directly from the public if they involve the ZRP and refer other matters to the ZRP for investigation.<sup>62</sup> This relationship has been formalised, and the ZRP's Harare liaison team has received relevant training.<sup>63</sup>

JOMIC has issued a number of press statements condemning violence and lawlessness<sup>64</sup> that underscore both the entity's potential and a key challenge regarding the efficacy of its monitoring capacity. Because support for JOMIC is

increasingly seen as a tactical necessity in a context of limited options, it is said that "donors are tripping over themselves" to support it.<sup>65</sup> It is important to remain realistic about its potential, however, even with additional backing from SADC and donors. JOMIC reporting does not include an evaluative component on GPA implementation or reflect the scale and complexities of issues that are brought to it. Recent incidents of violence present JOMIC with a major test of credibility as it attempts to investigate and to hold the police to account.<sup>66</sup>

The biggest challenge remains political: what the response is to JOMIC's work and recommendations. The experience to date has been sobering: "the most important handicap was our assumption that if something was agreed at JOMIC, it would have the full weight of the political parties and, therefore, because of that alone, compliance would be easy: it has not turned out that way".<sup>67</sup> This underscores the importance of securing agreement on a realistic mandate for JOMIC and adherence to the rules. In line with the evolving election roadmap, it could be enabled to shift focus from the full scope of GPA issues to elections- and security-related issues.<sup>68</sup> At the least, it should be able to help move beyond the current discourse of allegation and counter-allegation. This seems to be SADC's intention. If so, it will be an important part of testing the validity of claims relating to the security sector, as well as providing a significant opportunity to rebuild confidence in them.<sup>69</sup>

Following recommendations from the SADC troika in Livingstone, a draft election roadmap was developed and signed by negotiators on 22 April. Addressing a civil society gathering in South Africa in May, Lindiwe Zulu (Zuma's international adviser and a facilitation team member) said that despite some disagreements, there had been good progress and agreement that "the environment for elections has to be 'completely different' to 2008".<sup>70</sup> The draft was submitted to the Sandton summit as part of the facilitator's report. Despite the unresolved issues, the heads of state called on the GPA signatories to draw up timelines for implementing the roadmap; the negotiators initialled a subsequent draft on 6 July that focuses on eight areas:

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<sup>60</sup> There is limited faith in the ZRP's capacity and intentions regarding such violence. The Human Rights Commission, designed to deal with political violence, remains stillborn, and the Organ of National Healing, Reconciliation and Integration has proved wholly insufficient in addressing past violence or promoting a culture of tolerance.

<sup>61</sup> The JOMIC is now working more closely with civil society organisations that provide data on incidents of political violence and disturbances. Crisis Group telephone interview, human rights defender, 24 October 2011.

<sup>62</sup> "JOMIC Operations Subcommittee Report", *op. cit.*, p. 9. It remains to be seen whether JOMIC can perform efficient oversight and referral if it gets significant numbers of cases. The substance and quality of its verification and investigation work is uncertain; several interviewees expressed concern it will be a mere repository of allegations and counter-allegations.

<sup>63</sup> These developments must be assessed in relation to others with the ZRP and the role in particular of the commissioner general. Speaking before the Home Affairs Parliamentary Portfolio Committee in March, Chihuri accused the MDC-T of being the primary perpetrators of post-GPA political violence and pointed to the number of MDC-T members arrested, including Deputy Prime Minister Thokozani Khupe, Home Affairs Co-Minister Theresa Makone, Speaker of Parliament Lovemore Moyo, Youth Deputy Minister Tongai Matutu and parliamentarians Douglas Mwonzora, Rodgers Tazviona and Paul Madzore. He denied that the police favoured ZANU-PF and evaded questions about investigations into 2008 political violence by claiming that the Organ for National Healing, Reconciliation and Integration was responsible for resolving those issues, in contradiction to GPA Article XVIII (vi), which seeks to hold perpetrators of political violence accountable. Crisis Group interviews, MDC-T members of Home Affairs Portfolio Committee, Harare, 2 August 2011. When the JOMIC co-chairs met with Theresa Makone, in May to discuss policing concerns, she said she was aware of the range of problems in JOMIC reporting, had written several times to the commissioner general about the policy implications but had not received a response. "JOMIC Co-Chairs Update Report No. 1", 30 May 2011.

<sup>64</sup> "JOMIC Media Subcommittee Report", *op. cit.*, pp. 3-4.

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<sup>65</sup> Crisis Group interview, human rights defender, 2 September 2011.

<sup>66</sup> "JOMIC consults police over violence", [www.dailynews.co.zw](http://www.dailynews.co.zw), 10 November 2011.

<sup>67</sup> Welshman Ncube, "SADC/Zimbabwe Road Map", *op. cit.*

<sup>68</sup> Crisis Group interview, Wilfred Mhanda, Zimbabwe Liberators Platform Trustee, 26 July 2011.

<sup>69</sup> Crisis Group interview, Elton Mangoma, MDC-T negotiator, JOMIC co-chair, energy minister, Harare, 1 September 2011.

<sup>70</sup> Lindiwe Zulu, "Perspectives on a Roadmap for Zimbabwe" speech to Southern Africa Liaison Office workshop, Pretoria, 9 May 2011.



- ❑ Sanctions
- ❑ Constitution-Making
- ❑ Media Reform
- ❑ Electoral Reform
- ❑ Rule of Law
- ❑ Freedom of Association and Freedom of Assembly
- ❑ Legislative Agenda and Commitments
- ❑ Actual Election<sup>71</sup>

During May, ZANU-PF instructed its negotiators to not engage further on any issues relating to the security sector. This generated deadlock in three areas. First, there was agreement on a range of components of electoral reform, including voter education and voter registration,<sup>72</sup> but disagreement on how to ensure non-partisan composition of the ZEC, which had handled the controversial 2008 elections and where, it was alleged, security force members and ZANU-PF members remained prominent. The Zimbabwe Electoral Amendment Bill now before parliament does not address staffing; the MDC-T wants new staff hired, and the MDC-N wants a skills audit, while ZANU-PF says the negotiations forum should make no changes and that staffing is the ZEC's own responsibility.

Secondly, there is disagreement on four key rule of law concerns. Both MDC formations:

- ❑ demand that security forces issue a public statement committing to uphold the constitution and respect the rule of law in the lead-up to the referendum and elections. ZANU-PF rejects this, saying it is not an election matter, and parties have no right to direct the uniformed services to make political statements;
- ❑ call for the end of state-sponsored violence and abuse of the rule of law by security forces, pointing to the arrest of MDC officials, including several cabinet ministers and parliamentarians.<sup>73</sup> ZANU-PF denies abuse and

demands evidence. The MDC formations want military personnel returned to barracks, and MDC-T says specifically they are unlawfully deployed.<sup>74</sup> ZANU-PF denies the military is involved in political activities and protests the term "demilitarisation".<sup>75</sup> The head of the army, General Phillip Valerio Sibanda, also defends the deployments, asserting that troops are engaged in "regular training" and are "not aiding ZANU-PF ahead of elections";<sup>76</sup>

- ❑ want the Central Intelligence Organisation (CIO) to be regulated and subject to legislation, as part of their broader concerns about concentration of power in the presidency and the absence of effective accountability.<sup>77</sup> ZANU-PF says this should be addressed in the constitution-making process but is "neither a GPA nor an election issue and is being raised as an attack on the institution";<sup>78</sup> and
- ❑ have called for a review of the Public Order and Security Act (POSA), which has allegedly been routinely and selectively used for partisan purposes.<sup>79</sup> ZANU-

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second charges in July. Timba was arrested in June for undermining the president's authority but released after a High Court judge ruled his detention unconstitutional. Mzila was arrested in April for addressing an "illegal" memorial service in Matabeleland for victims of 1980s massacres in Matabeleland and the Midlands provinces, known as the Gukurahundi.

<sup>74</sup> This reflects concerns about the repression deployed (and allegedly led by the military) to decimate MDC structures in the wake of the March 2008 elections. See the section on Operation Mavotera Papi in Knox Chitiyo, "The Case for Security Sector Reform in Zimbabwe", occasional paper, Royal United Services Institute, September 2009, p. 6. For a detailed examination of the structures involved and modus operandi of the 2008 violence, see "The Anatomy of Terror", [www.sokwanele.com/thisiszimbabwe/archives/6800](http://www.sokwanele.com/thisiszimbabwe/archives/6800), 10 June 2011, compiled by unnamed civil society activists, with information on interactions between state security agents, traditional leaders, war veterans, youth militia and other ZANU-PF supporters in fifteen seriously affected districts.

<sup>75</sup> "Zimbabwe Elections Roadmap with Timelines", 6 July 2011. This document was compiled and endorsed by the GPA negotiating teams.

<sup>76</sup> "Amid reform calls, Zimbabwe electoral landscape increasingly militarized", VOA.com, 2 August 2011.

<sup>77</sup> For an in depth examination of executive powers in relation to the security sector, including the president's powers over appointments, deployments and discipline in Zimbabwe's security forces, as well the politicised role of the Central Intelligence Organisation, see Derek Matyszak, "Zimbabwe's Security Sector", op. cit.

<sup>78</sup> "Zimbabwe Elections Roadmap with Timelines", op. cit.

<sup>79</sup> MDC-T efforts to address this issue through a private members bill in parliament were shelved after the justice minister (and ZANU-PF negotiator), Patrick Chinamasa, reportedly instructed ZANU-PF senators not to debate the bill sponsored by the MDC. "ZANU-PF obstinacy leading towards disputed election", *The Zimbabwe Independent* (online), 20 October 2011.

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<sup>71</sup> "Zimbabwe Elections Roadmap with Timelines", 6 July 2011.

<sup>72</sup> This agreement does not address the broad range of fundamental concerns raised regarding the integrity of the voters roll. Derek Matyszak, "2013 Vision – Seeing Double and the Dead. A Preliminary Audit of Zimbabwe's Voters' Roll", Research and Advocacy Unit, October 2010; and R.W. Johnson, "Preventing Electoral Fraud in Zimbabwe. A Report on the Voters' Roll in Zimbabwe", South African Institute of Race Relations, May 2011.

<sup>73</sup> This includes the arrest of three cabinet ministers: Elton Mangoma, MDC-T negotiator; Jameson Timba, MDC-T minister in the prime minister's office; and Moses Mzila, MDC-N negotiator and national healing minister. Mangoma, who was arrested in March and charged with abusing tender procedures, was the first government minister arrested, and was rearrested, after securing bail, on a further charge of tender irregularities. In June, the High Court dismissed the first charges because the police failed to provide evidence; the attorney general withdrew the

PF claims it wants to see the suggested amendments before commenting and points out that the three parties already amended POSA in 2007.<sup>80</sup>

Thirdly, MDC-T has called for the deployment of SADC and for "other African monitors" to arrive six months prior to elections and depart only six months after them. MDC-N has focused on deployment of SADC-appointed officers to the JOMIC (see below). ZANU-PF argues that "observation of the elections must only be in accordance with the agreed amendments to the Electoral Act".<sup>81</sup>

There has been no movement on these issues for months, and there is growing anxiety that ZANU-PF will not compromise on what it views as its advantages. President Zuma was expected to meet with the principals in October, but did not, and in any case, his leverage appears limited, especially without additional support from the region.<sup>82</sup> Each deadlocked issue presents a critical challenge, but none more so than the security sector.

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Introduced in 2002, POSA provides authoritarian policing powers and has been systematically misused, as evidenced in a review of over 1,200 arrests that did not result in a single conviction. "Disturbing the Peace: An Overview of Civilian Arrests in Zimbabwe, February 2003-January 2004", The Solidarity Peace Trust, July 2004.

<sup>80</sup> Similar concerns were raised by both MDC formations in the Periodic Review Mechanism report in April 2011 that ZANU-PF labelled as "mere propaganda". "The First Review of Progress", op. cit.

<sup>81</sup> "Zimbabwe Elections Roadmap with Timelines", op. cit. The responses to this point appear to conflate general monitoring needs, in terms of GPA implementation, with specific monitoring and observation requirements during the election period. The Electoral Amendment Bill makes no mention of monitoring, only accreditation of observers, which is to be the responsibility of an Observers Accreditation Committee (OAC). Civil society groups have raised concern that the OAC will be dominated by political appointees. See "Summary Review of Zimbabwe's Electoral Amendment Bill, 2011", Zimbabwe Electoral Support Network, circa July 2011. There is silence on the critical challenge of integrating longer-term JOMIC monitoring with election-related needs. This is particularly important with respect to issues of violence and intimidation.

<sup>82</sup> Crisis Group interview, political analyst, Pretoria, 27 September 2011. As of 12 November, Zuma had still not met with the principals.

### III. SECURITY SECTOR CHALLENGES TO REFORM

Security and law and order issues present the most fundamental challenge to the election process, including prospects for a peaceful and legitimate outcome. Longer-term security sector reforms can be distinguished from immediate governance priorities directly related to reining in and deterring hardline elements in the security structures and proxy forces, as well as building the legitimacy of institutions, old and new, in which much of the population has little faith. These are prerequisites that must be addressed if violence and intimidation are to be removed from the electoral landscape. The immediate task is to find common ground on which to construct a realistic security dialogue.

The security sector has a contradictory legacy; on the one hand a proud history of professionalism, illustrated by participation in international, including UN missions,<sup>83</sup> but on the other, a controversial and highly politicised role domestically, tainted by complicity in abuse.<sup>84</sup> Although the sector's resource base, in terms of both personnel and equipment, has dwindled considerably over the last decade, it is an increasingly common refrain outside of ZANU-PF that it remains "the ultimate bulwark against any change in that country".<sup>85</sup>

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<sup>83</sup> Involvement in UN missions has significantly decreased since the mid- to late-1990s, but Zimbabwean military observers continue to be deployed in small numbers and highly regarded by military colleagues from the continent and beyond. Crisis Group interviews, Western defence attaché and security analysts, Harare and Pretoria, August and September 2011. ZANU-PF and securocrats have cited such deployments as evidence that there is no problem with the security forces. Zimbabwe has also been involved in two major external conflicts since independence: Mozambique (1982-1991) and the Democratic Republic of Congo (1997-2002). The latter engagement coincided with shifting dynamics within Zimbabwe that have resulted in a greater involvement of the security sector in political and economic affairs and formalisation of the "the ZDF's role as military entrepreneurs who profited from access to diamonds, cobalt and other Congolese resources". See section on "External Operations: Mozambique and the DRC" in Knox Chitiyo, "The Case for Security Sector Reform in Zimbabwe", op. cit., p. 7.

<sup>84</sup> Since 2000, the military and elements of the other services have been involved in violent operations closely related to elections and, by extension, ZANU-PF political interests. This includes Operation Tsuru (March-July 2000), the 2002 election campaign, Operation Murambatsvina (May-June 2005), Operation Makavotera Papi (April-June 2008) and Operations Chikoroza Chapera and Hakudzokwi (late 2008 in the Marange diamond fields). Knox Chitiyo, "The Case for Security Sector Reform in Zimbabwe", op. cit., pp. 4-7.

<sup>85</sup> "Profile: Zimbabwe Security Forces", Southern Africa Report, July 2011, p. 1.

The GPA does not provide an adequately detailed framework for engaging the security sector; both MDC formations acknowledge that they made a mistake in not addressing security sector reform comprehensively during the 2008 negotiations.<sup>86</sup> In the wake of the violence that year, however, security issues were highly sensitive and deliberately underplayed.<sup>87</sup> The then SADC facilitator, former South African President Thabo Mbeki, put considerable pressure on the MDC-T to go along with a deal that deferred direct engagement on security sector reform until the establishment of a reconstituted mechanism, the National Security Council.<sup>88</sup> This was pragmatic in a context where a harder line might well have jeopardised an agreement.<sup>89</sup>

In effect, security issues were “parked”, but not adequately retained on either the negotiators’ or guarantors’ agenda. There was a somewhat unrealistic expectation that the GPA provisions for training and accountability, coupled with reform of the National Security Council (NSC), would enable meaningful and constructive engagement on a range of security issues.<sup>90</sup> NSC reform was also meant to end

securocrat dominance of the security agenda.<sup>91</sup> But this has not happened. The new legislation “is incapable of ensuring any oversight or restraining functions”,<sup>92</sup> the NSC meets irregularly<sup>93</sup> and has not dealt with core security concerns or developed any policy; it retains a pro-ZANU-PF majority<sup>94</sup> and is described by MDC leaders as “defunct” and “moribund”.<sup>95</sup>

The Joint Operations Command (JOC), which despite ZANU-PF denials, is widely believed responsible for coordinating ZANU-PF’s strategy of repression over the last decade (including the violent 2008 election campaign), continues to operate officially as the NSC’s secretariat. It retains operational responsibilities and maintains structures at provincial and district level, where meetings are chaired by governors and administrators almost all of whom are loyal to ZANU-PF. Moreover, there is speculation it continues to operate as a parallel formation actively promoting an anti-MDC, anti-inclusive government agenda and by extension guiding and implementing ZANU-PF policy.<sup>96</sup> The net result is that the NSC has become little more than “window dressing” to a JOC infrastructure that remains “the strategic centre and intersection point between the security structures and Mugabe’s ZANU-PF”.<sup>97</sup>

Despite an apparent reduction in the level of violence, efforts to address MDC and civil society law and order

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<sup>86</sup> Crisis Group interviews, Welshman Ncube, MDC-N president and commerce and industry minister, Harare, 2 August 2011; Morgan Tsvangirai, MDC-T president and prime minister, Harare, 28 August 2011. A structural imbalance ensued in which ZANU-PF retained primary control over the state’s security structures, with the exception of policing, which became a shared portfolio. Executive powers remained concentrated in the presidency, although the GPA introduced a consultative role for the prime minister around new and renewed appointments, including in the security sector. President Mugabe has systematically ignored these provisions, and it remains to be seen whether this will continue over the appointments of the ZDF and ZNA chiefs, which are due for renewal in January 2012, and if so, what the prime minister will do. Analysts concur that the MDCs made a mistake in thinking they could push security issues onto the transformation agenda before new elections, that the NSC would be a dependable vehicle for security sector reform and that they could get traction for a reform agenda from some military professionals in conjunction with regional and other international pressure. This miscalculation was compounded by a tactical approach that did not maximise available technical skills and political connections and played into the hands of hardline securocrat elements, who presented the MDC agenda as reactionary and threatening. Crisis Group interviews, security analysts, Harare, Johannesburg, London, July-October 2011.

<sup>87</sup> Crisis Group interview, Priscilla Misihairabwi-Mushonga, MDC-N negotiator and international cooperation minister, Harare, 3 August 2011.

<sup>88</sup> Crisis Group interview, MDC-T cabinet minister, Harare, 29 July 2011.

<sup>89</sup> Stephen Chan, *Old Treacheries, New Deceits – Insights into Southern African Politics* (Johannesburg, 2011), pp. 228-229.

<sup>90</sup> Crisis Group interview, security analyst, Harare, 29 July 2011.

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<sup>91</sup> “Providing Security and Justice for the People – Security Sector Reform in Zimbabwe”, Institute for Security Studies, ISS Paper 199, September 2009.

<sup>92</sup> Derek Matyszak, “Zimbabwe’s Security Sector”, op. cit.

<sup>93</sup> The NSC is meant to meet monthly, but since its reconstitution in 2009 has convened only a handful of times and not dealt with substance. Welshman Ncube maintains ZANU-PF reneged on the spirit of resolving security sector concerns constructively through the NSC; that it was not prepared for such a dialogue; and has spent the last eighteen months lecturing the MDCs in a manner that equates security with the continued rule of Mugabe and ZANU-PF.

<sup>94</sup> Membership includes the president, vice presidents, prime minister, deputy prime ministers, defence, home affairs, state security, justice and finance ministers and a representative of each GPA signatory. This amounts to eight for ZANU-PF, seven for the combined MDC formations. Ex-officio members include the chief secretary to the presidency and cabinet, the secretary to the prime minister, the commanding officers of the ZDF, the ZRP and prison services and the director general of the state security department (CIO): seven of whom have allegiance to ZANU-PF, one to MDC-T.

<sup>95</sup> Crisis Group interviews, Welshman Ncube, MDC-N president and commerce and industry minister, Harare, 2 August 2011; Morgan Tsvangirai, MDC-T president and prime minister, Harare, 28 August 2011.

<sup>96</sup> Crisis Group interviews, security analysts, Harare, August-September 2011.

<sup>97</sup> “Profile: Zimbabwe Security Forces”, op. cit., p. 2.

concerns in the wake the Livingstone communiqué<sup>98</sup> have not resulted in a tangible transformative security sector process. Violence and intimidation, as well as selective application of the law, continue to be reported.<sup>99</sup> A growing body of reports on the security sector have been published in recent months,<sup>100</sup> developing the argument that reform is essential. But again, ZANU-PF seeks to shut down meaningful debate by refusing to engage on security issues, rejecting any critical analyses and insisting they reflect a foreign-directed agenda based on repeated lies and exaggeration from the MDCs, domestic NGOs and the private domestic media that the international media and NGOs echo unquestioningly.<sup>101</sup> It is a tactical approach designed to shut down any meaningful engagement on the issue, which neither the MDCs nor civil society groups have been able to ameliorate.<sup>102</sup>

Nevertheless, an appreciation of the need for constructive debate around security issues gained some momentum following a public outburst in June by Brigadier General Douglas Nyikayaramba, who reaffirmed the military's loyalties to ZANU-PF, backed the party's call for accelerated elections and accused the MDC-T and its leader, Prime Minister Morgan Tsvangirai, of being a threat to national security.<sup>103</sup> ZANU-PF delegates expressed similar sentiments at a workshop in Pretoria during the lead-up to the June SADC summit.<sup>104</sup> The MDC-T interprets these remarks as unconstitutional and treasonous but believes they

had high-level authorisation,<sup>105</sup> prompting conjecture about the security of party leaders.<sup>106</sup> Tsvangirai in turn accused recalcitrant military elements of intimidation and suggested that if they wanted to engage in politics, they should take off their uniforms and enter the political arena.<sup>107</sup> This revived the public quarrel about the refusal of military commanders to salute the prime minister.<sup>108</sup>

Nyikayaramba was supported by ZANU-PF hardliners,<sup>109</sup> some of whom argued that he merely stated personal views.<sup>110</sup> For others, however, he was articulating a common position among security chiefs and senior members of ZANU-PF, who say the MDC-T seeks wholesale changes in the security sector.<sup>111</sup> Mugabe eventually responded to the public mudslinging in a July address to ZANU-PF's Central Committee that sought to rule out any debate on security sector reform and reaffirmed the party's support for the men in uniform.<sup>112</sup>

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<sup>98</sup> "Principals to summon JOC, Attorney General", *The Zimbabwe Independent* (online), 28 April 2011.

<sup>99</sup> Crisis Group interviews, Harare, August-September 2011. This is supported by a number of media and human rights reports, although consistently denied by ZANU-PF during interviews.

<sup>100</sup> For example, "The Military Factor in Zimbabwe's Political and Electoral Affairs", Crisis in Zimbabwe Coalition, circa May 2011; and Takawira Musavengana, "Security Sector: No Transition without Transformation", in "Zimbabwe at the Crossroads", *Openspace*, issue no. 1, Open Society Initiative for Southern Africa, June 2011.

<sup>101</sup> Crisis Group interviews, Jonathan Moyo, ZANU-PF parliamentarian and politburo member, Harare, 1 August 2011; Brigadier General Asher Walter Tapfumaneyi, director in office of the president, Harare, 4 August 2011; Patrick Chinamasa, ZANU-PF negotiator and justice minister, Harare, 1 September 2011; political analyst, Harare, 2 September 2011. Tapfumaneyi pointed to the rapid growth in and funding of human rights and governance NGOs between 2000 and 2005, and the funding of private print, broadcast and internet media as evidence of an organised campaign to undermine ZANU-PF and by extension Zimbabwe.

<sup>102</sup> Crisis Group interview, political analyst, Harare, 2 September 2011.

<sup>103</sup> "Zimbabwe military calls Tsvangirai a 'security threat'", [www.timeslive.co.za](http://www.timeslive.co.za), 23 June 2011.

<sup>104</sup> Crisis Group interview, human rights defender, Harare, 29 July 2011.

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<sup>105</sup> Crisis Group interview, Tendai Biti, MDC-T negotiator and finance minister, 29 July 2011. See also statement by MDC-T Co-Minister of Home Affairs, Theresa Makone, "Arrest Nyikayaramba – Minister", *Newsday*, 2 August 2011.

<sup>106</sup> "PM's life in danger", *Daily News*, 23 June 2011.

<sup>107</sup> "Kill me: PM", *Daily News*, 27 June 2011; Wilfred Mhanda, "ZANU-PF subverts the role of the defence forces", *The Standard*, 23 July 2011.

<sup>108</sup> "Leave us alone, say generals", *Saturday Herald*, 28 July 2011.

<sup>109</sup> Jonathan Moyo, "MDC-T threat to national security", *Zim-papers*, 2 July 2011.

<sup>110</sup> "Service Chiefs can only support Mugabe", *NewsDay*, 28 July 2008. Citing defence minister, Emmerson Mnangagwa.

<sup>111</sup> Crisis Group interview, Brigadier General Asher Walter Tapfumaneyi, director in the office of the president, Harare, 4 August 2011. Nathaniel Manheru (pen name of presidential spokesman George Charamba), "Nyikayaramba: Teaching the MDC what the soil refuses", *Saturday Herald*, 2 July 2011. This includes allegations that the MDC-T is colluding with former Rhodesians and members of the Rhodesian military but does not engage with the substantive issues.

<sup>112</sup> "No security sector reforms: President Mugabe", *Zimbabwe Guardian*, 17 July 2011. The following extract from Mugabe's speech to the 85th Ordinary Session of ZANU-PF's Central Committee was aired repeatedly on public broadcasting: "We stand by our commanders who have served our country very well, all the time upholding the tradition of patriotic honour, upon which our security institutions were founded. They have been the forefront of our revolution; they are defenders and protectors of our country. These are men and women who served in the ranks of our two liberation armies, ZANLA and ZIPRA. As I say, they have defended our freedom and have kept the peace. Above all, they have brought peace to other nations who were in danger, or who needed assistance in Southern Africa here. Their record is there for all to see. Very few of our politicians today can dispense to these fine men and women any lessons on freedom and democracy. We don't have to teach them about freedom and democracy. They fought for it, it's their product".

Although there is some consensus that the media battle has been counter-productive,<sup>113</sup> the parties remain at loggerheads. ZANU-PF argues that the issues have not been raised in the appropriate forum – the NSC – and insists that security sector reform is both off limits for negotiation and parliament and irrelevant.<sup>114</sup> It is in any event not clear who would be the most effective agents to promote a dialogue. Such informal engagement as there has been has been limited and clouded by suspicion, though anecdotal evidence suggests there is interest within the sector to discuss technical skills development<sup>115</sup> and to broaden its understanding of civil society's apprehension.<sup>116</sup> Although the facilitation team has agreed not to directly engage security actors,<sup>117</sup> there is support for the notion that a parallel dialogue/negotiation with key figures is necessary.<sup>118</sup> Regional colleagues from the security sector could play an important role, but there is a tendency among Zimbabwean securocrats to assume they have nothing to learn from these colleagues and to be dismissive of some regional armies, including South Africa's.<sup>119</sup>

Attempts to preclude engagement on security sector issues have at another level generated greater impetus to deal with them and profiled core challenges relating to politicisation of the military, institutional control and powers and the implications of impunity and amnesties.<sup>120</sup> They have also highlighted the importance of distinguishing be-

tween longer-term security sector review needs and short-term considerations for creating the requisite electoral conditions. The two types of issues may address related concerns but are essentially distinct. Since security sector "reform" has become a loaded term, an array of alternatives is now being used, including security sector "realignment", "transformation", "management", and "governance". The most pressing priority remains election-related security concerns, but in the current context it is not clear that they can be successfully addressed.

#### IV. ZANU-PF FAULTLINES

The obscure relationship between senior securocrats and ZANU-PF leaders has generated further debate about its nature: who is really in charge; whether the essential problem is a politicised military or militarised politics; and the effect of evolving factionalism within ZANU-PF and the party's fraught succession politics.

At 87, Mugabe is visibly slowing down, and there is furious speculation as to what control he still exerts and the influence of the various groupings inside his party. Some analysts argue that he has lost control and operates at the behest of a security clique that in effect staged a silent coup after the March 2008 elections and is backed by key ZANU-PF hardliners, most of whom do not have an electoral mandate.<sup>121</sup> Some in the MDC strongly suspect that this is accurate,<sup>122</sup> and the military is preparing for an expanded political role.<sup>123</sup> Others consider that Mugabe is now the most important protection against more military adventurism in politics and fear bloodshed if he dies without a clear succession plan in place.<sup>124</sup> Historically, the military's influence has fluctuated considerably, both pre- and post-independence.<sup>125</sup> Yet another view is that Mugabe

<sup>113</sup> Crisis Group interviews, ZANU-PF and MDC representatives, August-September 2011.

<sup>114</sup> Several interviewees reiterated that ZANU-PF has "drawn a line in the sand". Crisis Group interview, George Charamba, secretary of state for information and publicity, Harare, 31 August 2011.

<sup>115</sup> Crisis Group interview, security analyst, Harare, 29 July 2011.

<sup>116</sup> Crisis Group interview, human rights defender, Harare, 2 September 2011.

<sup>117</sup> Reports that the facilitation team was planning to talk with members of the security sector – "SADC Facilitation Team want to meet security chiefs", www.radiovop.com, 10 May 2011 – were denied following a ZANU-PF edict to its negotiators that talks on security sector issues were prohibited. "SA Facilitators 'cave to Mugabe pressure'", *Eyewitness News*, 1 June 2011.

<sup>118</sup> Crisis Group interview, security analyst, Pretoria, 19 September 2011.

<sup>119</sup> Crisis Group interviews, security analysts, Harare, August-September 2011.

<sup>120</sup> Many believe it will not be possible to get beyond the current impasse without an amnesty deal, and there are persistent rumours of such discussions. It seems unlikely the MDC-T could guarantee immunity for serious crimes, as this would have no legal basis abroad, not to mention it being a hard sell to its own constituency, many of whom demand accountability. There are also likely to be suspicions guarantees could be revoked once the balance of forces shifts, as has happened elsewhere, particularly in Latin America, though the provision for prosecuting perpetrators of political violence in the GPA (Article XVIII, Section IV) has been systematically ignored.

<sup>121</sup> Crisis Group interview, security analyst, Pretoria, 19 September 2011.

<sup>122</sup> "MDC says Mugabe no longer controls military", www.VOA-news.com, 28 June 2011.

<sup>123</sup> "Military want party seats for retired soldiers", *Zimbabwe Independent*, 30 June 2011. Elements in the military hierarchy are keen to ensure they improve their representation in parliament but have so far been unable to secure adequate support from within the party to bypass the internal primaries process.

<sup>124</sup> A senior MDC-T cabinet minister pointed to ZANU-PF's violent history and the absence of a peaceful succession transition, saying it was ironic that the prospect of Mugabe's demise now keeps him awake at night. Crisis Group interview, 29 July 2011. "Mugabe illness triggers panic", *The Zimbabwe Independent*, 28 October 2011.

<sup>125</sup> Nyamatatanga Makombe, "Security reforms: The need to uproot the 'deep state'", *Zimbabwe Independent*, 29 July, describes the military's historical role in political machinations, highlighting the importance of a debate on security that goes beyond cosmetic reform to the heart of civil-military relations.

remains firmly in control, having mastered the art of divide and rule to ensure that no one grouping inside ZANU-PF is strong enough to challenge his supremacy.<sup>126</sup>

It is widely believed that elements of the security sector have extended their involvement into the political and economic arenas at the behest of Mugabe and certain senior ZANU-PF leaders.<sup>127</sup> If so, the relationship is likely one

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<sup>126</sup> Crisis Group interviews, Wilfred Mhanda, Zimbabwe Liberators Platform Trustee, 26 July, 2 September 2011. See also, Mhanda, "Charges of armed forces coup baseless", *The Standard*, 31 July 2011; and Derek Matyszak, "Zimbabwe's Security Sector", op. cit.

<sup>127</sup> There is considerable evidence of security sector involvement in elections and political campaigns, as well as key sectors of the economy. "The Military Factor in Zimbabwe's Political and Electoral Affairs", Crisis in Zimbabwe Coalition, circa May 2011; Air Vice Marshall Henry Muchena assumed directorship of ZANU-PF's commissariat in early 2011, having retired from the military in late 2010. He heads a team responsible for the party's consolidation, mobilisation and election strategy. The extent of involvement in the controversial diamond trade and related violations is contested, but Zimbabwe has avoided further scrutiny of its diamond operations and secured support from members of the Kimberley Process, including South Africa, which have decided this is not an issue on which to challenge ZANU-PF and support its right to sell diamonds to generate revenue. "Zimbabwe: Rampant Abuses in Marange Diamond Fields", Human Rights Watch, 30 August 2011; Alan Martin, "Ambivalence feeds Zimbabwe's diamond tyranny", *Mail and Guardian*, 20 May 2011. The question of human rights violations around the Kimberley Process has to an extent diverted attention from the broader concerns of regulation and related transparency regarding diamond extraction from Marange. Crisis Group interview, MDC-T cabinet minister, 29 July 2011. The MDC-T does not believe the sales figures submitted by the mines minister, Obert Mpofu, truly reflect extraction and calls for nationalisation to bring all diamond mining under full government control, as the first stage of a new accountable tendering process. "E. Cross: Presentation to Parliament on Marange", www.zimbabwesituation.com, 28 October 2011. A proposed diamond bill was placed on the legislative schedule Mugabe announced in September, suggesting that ZANU-PF wishes to address regulation concerns and widespread speculation that the revenue is being diverted to private interests and the party election war chest. Following months of negotiation involving the EU, Zimbabwe was allowed to sell Marange diamonds in return for a new compliance framework, a decision Mpofu called a victory. "Zimbabwe minister calls decision to allow diamond export from controversial fields a 'victory'", www.washingtonpost.com, 3 November 2011. NGOs were critical, arguing that Zimbabwe received a green light to trade "without fulfilling previous commitments to reform its diamond trade" and that the military remains deeply involved. "Kimberley Process lets Zimbabwe off the hook again", statement, Kimberley Process Civil Society Coalition, 2 November 2011. An estimated 90 per cent of diamond revenue is still unaccounted for, allegedly benefitting "the security forces, ZANU-PF and a range of politically linked individuals". "ZANU-PF's

of mutual dependence, with the central and common objective being to keep power.<sup>128</sup>

Such analyses suggest that ZANU-PF continues to be hostage to the whims of an unrepresentative, yet powerful clique. However, the party must temper its fear that any reform that promotes political pluralism is likely to undermine its prospects for regaining full control of the state with the need to demonstrate some commitment to reform. There continues to be considerable talk of a moderate element inside it willing to "do business" with the MDC<sup>129</sup> but little overt evidence of its presence or clarity on how it might relate to factionalism.<sup>130</sup> Indeed, there is considerable speculation about what factions really exist, who supports whom, especially on the succession question, and how ethnic, economic and patronage considerations further influence dynamics.<sup>131</sup> The strong impression is that the party still coalesces around issues and interests it perceives as pivotal to its survival.<sup>132</sup> Vocal elements within it dismiss all such analysis as mischievous conjecture, designed to sow division.<sup>133</sup>

Not only are ZANU-PF fault lines unclear, but discord around Mugabe's succession has been compounded by the death (many believe assassination)<sup>134</sup> in August of pol-

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Marange lifeline goes legal", *Southern Africa Report*, vol. 29, no. 27, 10 November 2011.

<sup>128</sup> Crisis Group interviews, Harare, August-September 2011.

<sup>129</sup> Ibid.

<sup>130</sup> Some analysts consider that pragmatism is a more accurate reflection of what drives the interests of such elements.

<sup>131</sup> It has long been thought there are two primary competing factions; a more moderate element supporting the Mujuru, the late Solomon Mujuru and his wife, vice president, Joice Mujuru, and a more radical, hardline grouping supporting defence minister, Emmerson Mnangagwa. See Crisis Group Africa Briefing N°70, *Zimbabwe: Political and Security Challenges to the Transition*, 3 March 2010; and earlier Crisis Group reporting for analysis of factionalism within ZANU-PF. Some recent analysis postulates a third and even a fourth faction, around Mugabe and ZDF Commander Constantine Chiwenga respectively. Crisis Group interviews, Harare, July-September 2011. Several interviewees pointed out that no one has an overall picture of what is happening inside ZANU-PF but that the party is fragmenting and the centre is not holding, creating space for unscrupulous political and security elements.

<sup>132</sup> Crisis Group interviews, political analysts, Harare, August-September 2011.

<sup>133</sup> Crisis Group interviews, ZANU-PF politburo and cabinet members, Harare, August-September 2011. Interpreting machinations within ZANU-PF was described by a Western diplomat as akin to Kremlinology in the Soviet Union of the 1970s and 1980s. Divisions and alliances within ZANU-PF are likely to be fluid, but the party has a tendency to come together publicly, once Mugabe has spoken, on key issues, such as the election timetable and security sector reform.

<sup>134</sup> "Mujuru: Yet another mysterious ZANU-PF death", *The Zimbabwe Independent* (online), 25 August 2011. Crisis Group heard

itburo member and former Zimbabwe Defence Forces Commander Solomon Mujuru. Believed by many to be a primary figure among moderates prepared to seek compromise with the MDC, he was considered an important counterweight to hardline elements.<sup>135</sup> Tensions within the party have sharpened,<sup>136</sup> and there is much speculation as to how his death impacts on presidential hopefuls, in particular his widow, Vice President Joice Mujuru, and Emmerson Mnangagwa. The latter recently denied presidential ambitions, pointing to his relatively junior party position.<sup>137</sup> Some believe Joice Mujuru's chances of taking over have been irrevocably damaged by her husband's death. Others suggest she may in fact benefit, because it could galvanise relative moderates against resurgent hardliners.<sup>138</sup> She has reportedly demanded answers to questions about his death, reinforcing concerns about the police investigation.<sup>139</sup>

The event sent shock waves through the political and military establishment, with its implication that if the general was not safe, no one is. Some believe it strengthens Mugabe, enabling him to play the peacemaker between factions and tempering prospects for anyone who might want to challenge him at the December ZANU-PF conference.<sup>140</sup> Repercussions likely will play out quietly behind the

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several theories on Mujuru's death, especially after pro-ZANU-PF media rushed to claim an accident. Almost all postulated murder in connection with internal ZANU-PF politics, including assertions hardline elements associated with Defence Minister Mnangagwa or ZDF Commander Chiwenga were behind it, and/or Mugabe had sanctioned it to prevent growing rapprochement between Mujuru and Mnangagwa factions. This assertion is dismissed by ZANU-PF members, who point out there is no evidence to support such speculation. Crisis Group interviews, ZANU-PF members, Harare, August-September 2011. Others suggested Mujuru may have been killed in connection with diamonds, other business dealings or efforts to reap illicit benefits from the economic indigenisation program. Speculation has infuriated ZANU-PF. The police put a blackout on statements about the investigation, and though it is reportedly complete, even the truth of that is a closely guarded secret. "Mujuru death probe complete: Police", www.newzimbabwe, 30 August 2011; "Investigations into Mujuru's death not yet complete", Voice of America, 27 September 2011.

<sup>135</sup> Crisis Group interview, political analyst, Harare, 29 July 2011. See also See Crisis Group Briefing, *Zimbabwe: Political and Security Challenges to the Transition*, op. cit.

<sup>136</sup> Alex Bell, "ZANU-PF tensions rise after Mujuru death", www.swradioafrica.com, 2 September 2011.

<sup>137</sup> Colin Freeman, "Emmerson Mnangagwa vs Morgan Tsvangirai: the two opposing faces of Zimbabwe", www.telegraph.co.uk, 19 June 2011.

<sup>138</sup> Crisis Group interview, political analyst, Harare, 2 September 2011.

<sup>139</sup> "Zimbabwe lawmakers want former army chief's death explained", Agence France-Presse, 6 October 2011.

<sup>140</sup> "Free reign for Mugabe after Mujuru death", www.independent.co.za, 1 September 2011.

scenes, as key players either push to demonstrate loyalty and revolutionary credentials or maintain a low profile.

Soon after Mujuru's death, the situation was further complicated when several thousand classified cables from the U.S. embassy in Harare (covering the period between the late 1990s and 2010) were released by the whistleblower website Wikileaks. Revelations relating to ZANU-PF are particularly sensitive, illustrating the extent to which senior members have been looking for an exit strategy from the political cul de sac in which they find themselves. The cables confirmed rumours that Solomon Mujuru had been in secret talks with the MDC-T and backed ZANU-PF dissident Simba Makoni's 2008 presidential bid,<sup>141</sup> as well as his strained relations with Mugabe.<sup>142</sup> They revealed that many in the party hierarchy are keen for Mugabe to go and reported that Mugabe himself was forging a succession path that would sideline both Joice Mujuru and Mnangagwa.<sup>143</sup> The revelations reinforced paranoia in the party resulting from the August expulsion of a deputy cabinet minister who an internal disciplinary hearing concluded had engaged in activities contradicting its constitution and regulations.<sup>144</sup>

The cables also showed deep tensions both within the military and between the military and ZANU-PF.<sup>145</sup> One in particular revealed that two senior members of the ZDF, Brigadier Generals Herbert Chingono and Fidelis Satuku, had secretly briefed U.S. Ambassador Charles Ray in January 2010 on internal military dynamics and were very critical of General Chiwenga's political ambitions.<sup>146</sup> That

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<sup>141</sup> "Wikileaks: Mujuru backed Makoni for President", www.swradioafrica.com, 6 September 2011.

<sup>142</sup> "Mugabe, Mujuru relations strained", www.thestandard.co.zw, 24 September 2011.

<sup>143</sup> "Mnangagwa, Mujuru to be dropped", *The Financial Gazette*, 16 September 2011.

<sup>144</sup> "ZANU-PF admits party is rocked by Wikileaks", www.thezimbabwemail.com, 7 September 2011; "Tracey Mutinhiri expelled from ZANU-PF", *The Zimbabwe Mail*, 31 August 2011. The true reason is believed to have been close relations with the MDC-T. "ZANU-PF expel Tracey Mutinhiri over MDC-T links", www.swradioafrica, 1 September 2011. Mutinhiri, the deputy labour and social welfare minister, was suspected of supporting the MDC-T candidate for parliament speaker in March 2011. Expulsion followed a campaign of intimidation and abuse, including invasion of her farm by war veterans and ZANU-PF youth. "War vets invade ZANU-PF Deputy Minister Tracey Mutinhiri's farm", Zimbabwe Online Press, 10 July 2011.

<sup>145</sup> "Chiwenga feels betrayed", www.dailynews.co.zw, 13 September 2011.

<sup>146</sup> Gilbert Nyambabvu, "Generals attack Chiwenga", www.newzimbabwe.com, 2 September 2011. Chiwenga and several other senior military have recently graduated from the University of Zimbabwe with a Masters in International Relations. An undisclosed number of other officers are currently taking three-year courses in politics and international relations. This has been in-

both men were threatened with disciplinary action prompted considerable discord over how to handle the situation without exacerbating tensions within the military, where Chiwenga is believed to be widely unpopular.<sup>147</sup>

Machinations within the military and other security and intelligence structures remain opaque and a challenge to the transition. A small, powerful clique is at the helm, but whether it can command sufficient loyalty for its political project is increasingly uncertain. This feeds insecurity and highlights the importance of an inclusive national dialogue linked to broader regional and continental security priorities. As noted, the latter should be long-term, led by the security agencies and distinct from the immediate governance challenges that continue to generate a crisis of confidence over elections. A close examination is needed of how violence is manifested, the roles of proxies and surrogates and the related roles of police and military. Most citizens do not fear the police or the military in personal terms, but rather their involvement with political formations and youth and activist movements.<sup>148</sup> This in turn underscores the importance of developing effective policing and other security mechanisms that would respond professionally and impartially to threatened or actual violence.

## V. CONCLUSION

A more resolute SADC position has been in place since the first quarter of 2011, but has yet to bear fruit on the ground. Deployment of a SADC technical team to JOMIC could be an important aid to the facilitation process, particularly for resolving issues related to political violence, partisanship of the security sector and attorney general's office and securing conditions for free and fair elections. But the clock is ticking, with no more than eighteen to

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terpreted in some quarters as part of an effort by senior military to prepare for political office, though this is part of broader speculation on military encroachment into politics. Crisis Group interviews, Harare, July-September 2011.

<sup>147</sup> Crisis Group interviews, security analysts, Harare and Pretoria, September 2011. Speculation about divisions within the military and the depth of loyalty to the political project of some senior commanders, led by Chiwenga, has not translated into open discord, but Chingono's and Satuku's commentary is an indication that the project may well be a minority endeavour. See also, "Army divided over Generals who criticised Chiwenga", [www.swradioafrica.com](http://www.swradioafrica.com), 5 October 2011. Chiwenga subsequently announced that there would be no investigation, as the revelations were of "little significance", and an investigation based on the cables would be "improper". "Chiwenga rules out Wikileaks probe", *New Zimbabwe*, 16 October 2011.

<sup>148</sup> "Transitional Justice National Survey: A Report on the People's Perceptions and Recommendations", Zimbabwe Human Rights NGO Forum, August 2011.

twenty months before elections. The contested narratives on security sector reform have prevented emergence of a constructive and inclusive dialogue between the political parties and between political and civil society entities and the security sector itself. The issue cannot be endlessly deferred, however, even if the first step is only constructive talks about potential dialogue. In the meantime, prospects for constructive engagement are diminishing, which makes it difficult to see how even minimal conditions for free and fair elections will be secured.

**Johannesburg/Brussels, 16 November 2011**



## APPENDIX A

### MAP OF ZIMBABWE



## APPENDIX B

### CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2008

#### Central Africa

- Congo: Four Priorities for Sustainable Peace in Ituri*, Africa Report N°140, 13 May 2008 (also available in French).
- Burundi: Restarting Political Dialogue*, Africa Briefing N°53, 19 August 2008 (also available in French).
- Chad: A New Conflict Resolution Framework*, Africa Report N°144, 24 September 2008 (also available in French).
- Central African Republic: Untangling the Political Dialogue*, Africa Briefing N°55, 9 December 2008 (also available in French).
- Northern Uganda: The Road to Peace, with or without Kony*, Africa Report N°146, 10 December 2008.
- Chad: Powder Keg in the East*, Africa Report N°149, 15 April 2009 (also available in French).
- Congo: Five Priorities for a Peacebuilding Strategy*, Africa Report N°150, 11 May 2009 (also available in French).
- Congo: A Comprehensive Strategy to Disarm the FDLR*, Africa Report N°151, 9 July 2009 (also available in French).
- Burundi: réussir l'intégration des FNL*, Africa Briefing N°63, 30 July 2009.
- Chad: Escaping from the Oil Trap*, Africa Briefing N°65, 26 August 2009 (also available in French).
- CAR: Keeping the Dialogue Alive*, Africa Briefing N°69, 12 January 2010 (also available in French).
- Burundi: Ensuring Credible Elections*, Africa Report N°155, 12 February 2010 (also available in French).
- Libye/Tchad : au-delà d'une politique d'influence*, Africa Briefing N°71, 23 March 2010 (also available in Arabic).
- Congo: A Stalled Democratic Agenda*, Africa Briefing N°73, 8 April 2010 (also available in French).
- Chad: Beyond Superficial Stability*, Africa Report N°162, 17 August 2010 (only available in French).
- Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, Africa Report N°165, 16 November 2010 (also available in French).
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- Burundi: From Electoral Boycott to Political Impasse*, Africa Report N°169, 7 February 2011 (also available in French).
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- Congo: The Electoral Dilemma*, Africa Report N°175, 5 May 2011 (also available in French).
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- L'Afrique sans Kadhafi : le cas du Tchad*, Africa Report N°180, 21 October 2011 (only available in French).
- Mettre en œuvre l'architecture de paix et de sécurité (I) : l'Afrique central*, Africa Report N°181, 7 November 2011 (only available in French).

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- Kenya in Crisis*, Africa Report N°137, 21 February 2008.
- Sudan's Comprehensive Peace Agreement: Beyond the Crisis*, Africa Briefing N°50, 13 March 2008 (also available in Arabic).
- Beyond the Fragile Peace between Ethiopia and Eritrea: Averting New War*, Africa Report N°141, 17 June 2008.
- Sudan's Southern Kordofan Problem: The Next Darfur?*, Africa Report N°145, 21 October 2008 (also available in Arabic).
- Somalia: To Move Beyond the Failed State*, Africa Report N°147, 23 December 2008.
- Sudan: Justice, Peace and the ICC*, Africa Report N°152, 17 July 2009.
- Somalia: The Trouble with Puntland*, Africa Briefing N°64, 12 August 2009.
- Ethiopia: Ethnic Federalism and Its Discontents*, Africa Report N°153, 4 September 2009.
- Somaliland: A Way out of the Electoral Crisis*, Africa Briefing N°67, 7 December 2009.
- Sudan: Preventing Implosion*, Africa Briefing N°68, 17 December 2009.
- Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan*, Africa Report N°154, 23 December 2009.

- Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan*, Africa Briefing N°72, 30 March 2010.
- LRA: A Regional Strategy Beyond Killing Kony*, Africa Report N°157, 28 April 2010 (also available in French).
- Sudan: Regional Perspectives on the Prospect of Southern Independence*, Africa Report N°159, 6 May 2010.
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*Zimbabwe: The Road to Reform or Another Dead End*, Africa Report N°173, 27 April 2011.

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*Côte d'Ivoire: Ensuring Credible Elections*, Africa Report N°139, 22 April 2008 (only available in French).

*Guinea: Ensuring Democratic Reforms*, Africa Briefing N°52, 24 June 2008 (also available in French).

*Guinea-Bissau: In Need of a State*, Africa Report N°142, 2 July 2008 (also available in French).

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*Nigeria: Ogoni Land after Shell*, Africa Briefing N°54, 18 September 2008.

*Liberia: Uneven Progress in Security Sector Reform*, Africa Report N°148, 13 January 2009.

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*Nigeria: Seizing the Moment in the Niger Delta*, Africa Briefing N°60, 30 April 2009.

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*Côte d'Ivoire : sécuriser le processus électoral*, Africa Report N°158, 5 May 2010.

*Cameroon: Fragile State?*, Africa Report N°160, 25 May 2010 (also available in French).

*Cameroon: The Dangers of a Fracturing Regime*, Africa Report N°161, 24 June 2010 (also available in French).

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