

## **ZIMBABWE: WHAT NEXT?**

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY AND RECOMMENDATIONS .....</b>	<b>i</b>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. POST-ELECTION DEVELOPMENTS .....</b>	<b>2</b>
A. THE POLITICAL STATE OF THE NATION.....	2
1. Government Actions .....	2
2. Opposition and Civil Society Actions .....	3
B. THE ECONOMIC STATE OF THE NATION .....	5
C. INTERNATIONAL REACTIONS .....	7
<b>III. PARTY-TO-PARTY NEGOTIATIONS.....</b>	<b>9</b>
A. THE FACILITATORS’ OBJECTIVES .....	9
B. THE GOVERNMENT’S OBJECTIVES .....	10
C. THE MDC’S OBJECTIVES .....	11
D. OUTCOMES AND PROSPECTS .....	12
<b>IV. NEGOTIATING A WAY FORWARD.....</b>	<b>12</b>
A. GETTING BACK TO THE TABLE .....	12
B. POTENTIAL COMPROMISES – CONSTITUTIONAL REFORM .....	12
C. ADDITIONAL INGREDIENTS .....	14
<b>V. OUTSIDE LEVERAGE .....</b>	<b>15</b>
A. DIPLOMATIC PERSUASION.....	15
1. Africa .....	15
2. The EU, U.S. and Others .....	16
B. SANCTIONS .....	16
1. South Africa.....	16
2. The EU and U.S.....	17
C. NEPAD .....	19
D. LAND REFORM ASSISTANCE .....	20
E. OTHER ASSISTANCE.....	22
<b>VI. CONCLUSION.....</b>	<b>23</b>
<b>APPENDICES</b>	
A. MAP OF ZIMBABWE .....	24
B. ABOUT THE INTERNATIONAL CRISIS GROUP .....	25
C. ICG REPORTS AND BRIEFING PAPERS.....	26
D. ICG BOARD MEMBERS .....	30

## ZIMBABWE: WHAT NEXT?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

In the aftermath of the deeply flawed March 2002 presidential election, Zimbabwe has dropped off the radar screen of most policy-makers and media but its crisis is deepening:

- the ruling ZANU-PF party and the government are systematically using violence to intimidate the opposition Movement for Democratic Change (MDC) and civil society in order to punish and compel them to accept the results;
- the economy is further deteriorating as foreign investment and food both become scarce commodities; with regional drought compounding the land seizure crisis, UN agencies warn of possible famine; and
- as the opposition considers mass protests, the prospect of serious internal conflict is becoming imminent, with grave implications for the stability of the wider Southern African region.

The international response has been mixed and inadequate. South Africa and Nigeria, who made possible the Commonwealth's suspension of Zimbabwe in the immediate aftermath of the election, have attempted throughout the spring to facilitate party-to-party talks between ZANU-PF and the MDC. Many African governments, however, have given barely qualified if slightly embarrassed approval to President Mugabe's re-election while trying to minimise Zimbabwe's relevance to their efforts to construct new economic relationships between the continent and the rest of the world.

Most Western countries have done little except repeat rhetorical condemnations that appear, counter-productively, to have persuaded Mugabe that their policies are "all bark, no bite" and to have increased sympathy for him in much of Africa. The European Union (EU) and the United States (U.S.) have meaningfully expanded neither the target list of affected individuals nor the scope for the sanctions (primarily travel restrictions) they imposed on senior ZANU-PF figures before the election. Key G-8 countries have signalled in advance of their 26-27 June 2002 summit that they may be prepared to relax the requirement that African states apply serious peer pressure on Zimbabwe as a precondition for advancing the New Program for Africa's Development (NEPAD) initiative on which the continent pins its hopes for integration into the world economy.

The party-to-party talks initially made progress. An agenda was agreed, and the facilitators had begun to explore ideas, built around a transitional power sharing arrangement, to pursue constitutional reform and restructure the presidency to require new elections while finessing the MDC's requirement for a rerun of the March poll and ZANU-PF's insistence Mugabe's victory be accepted. However, the talks collapsed in May when ZANU-PF withdrew, demanding that the MDC drop its court challenge to that result.

The substantive gap is considerable, and ZANU-PF is carrying out repressive actions around the country that heighten tension and damage the environment for any negotiation. The MDC entered talks despite considerable scepticism at its grassroots – based on those actions and earlier history – that the governing party intends anything except to destroy or co-opt it. Serious internal

fissures and pressures now threaten to radicalise the MDC's strategy. Its leader, Morgan Tsvangirai, has begun to speak of switching to mass public protests within weeks if there is no movement toward new elections. Every indication is that this would produce a sharp ZANU-PF response that would set off a cycle of much more serious domestic conflict, refugees across borders, and further economic decline.

In these circumstances, it is vital for the international community to focus its efforts with renewed urgency on defusing the immediate crisis. The most promising avenue, if only for lack of any realistic alternative, is presented by the party-to-party talks. South Africa and Nigeria need to become much more assertive in encouraging ZANU-PF to return to the negotiating table and both sides to pursue genuine compromises. In particular, they need to use more of their considerable political leverage to push the governing party to improve the negotiating environment by ending the widespread violence for which it is responsible. By so doing they will also gain credibility with the MDC that can be used at a later stage to broker agreements.

Other African states should give full support and make clear that President Mugabe will be isolated if he does not end the political violence and negotiate in good faith. The Africans should also use Qadhafi's desire to be accepted as a statesman to encourage Libya to cut off material support that encourages Mugabe's intransigence.

His fellow African leaders, especially Presidents Mbeki of South Africa and Obasanjo of Nigeria, have most of the real leverage that can influence Mugabe. However, the EU, U.S. and other friends of Zimbabwe can play important roles by focusing on helping the facilitators get the party-to-party talks back on track within the next several weeks. They should mute the rhetoric but toughen and extend targeted sanctions; make clear there will be no progress on NEPAD at the G-8 Summit unless Africans put more pressure on ZANU-PF; and (especially the British) pledge anew to contribute significantly, in the context of an overall settlement, to land reform in Zimbabwe – which is a genuine issue though one cynically abused by the ruling party.

They should also offer assistance that strengthens civil society and helps provide unemployed young

people with economic alternatives to joining the ruling party's militias. These middle and longer term objectives, however, must be subordinated to the immediate priority of heading off an increasingly dangerous confrontation this summer.

Zimbabwe is not a lost cause. Conflict prevention based on democracy, rule-of-law, and a functioning economy can succeed, but only if the key international actors, led by the Africans themselves, throw their full weight behind a genuine negotiating process before the grievances are taken into the streets.

## RECOMMENDATIONS

### TO THE INTERNATIONAL COMMUNITY:

1. Focus efforts over the next several weeks on getting ZANU-PF back to the table with the MDC and both parties to negotiate in good faith a solution that will lead in a fixed and reasonable period to further presidential elections within a reformed political system and under appropriate supervision and safeguards.

### TO SOUTH AFRICA AND NIGERIA:

2. Adopt a more assertive stance as facilitators of the party-to-party talks, being prepared, in particular, to end diplomatic support for President Mugabe if ZANU-PF does not cease violence and to isolate in Africa whichever side does not negotiate in good faith.
3. Engage Libya and other states to end material support that reinforces President Mugabe's intransigence.
4. Call for the immediate reconvening of the Abuja Ministerial Conference to review implementation of the September 2001 agreements concerning Zimbabwe's commitment to respect rule-of-law and Britain's to support land reform.

### TO THE EU AND U.S.:

5. Support the facilitators' efforts to resume and advance the party-to-party talks, in particular by extending targeted sanctions to directors and high-ranking officials in

- ZANU-PF-affiliated businesses and, in the U.S. case, matching the EU by freezing assets of those against whom targeted sanctions are applied.
6. Support reactivation of the Abuja Ministerial Conference, restate commitment (especially the UK) to facilitate land reform in the context of an overall settlement of Zimbabwe's crisis, and express readiness to draw additional donors into consultations over a strategy for implementing the land component of the settlement that should ultimately emerge from the ZANU-PF-MDC talks.
  7. Investigate and expose assets held by ZANU-PF officials abroad to educate the Zimbabwean public and neighbouring African states about the extent of corruption in the country.
  8. Pursue early implementation of recommendations by the UN Panel of Experts on the Illegal Exploitation of Natural Resources in the Congo in order to reduce the ZANU-PF government's ability to ignore international pressure to settle Zimbabwe's crisis.
  9. Use aid to strengthen links between independent trade unions, civil society, and the political opposition and to support training and income generation programs for rural youth.
  10. Link progress on the NEPAD initiative to integrate Africa into the world economy to more vigorous efforts by African governments to resolve Zimbabwe's crisis.

**TO THE G-8:**

**Johannesburg/Brussels, 14 June 2002**



## ZIMBABWE: WHAT NEXT?

### I. INTRODUCTION

Zimbabwe has dropped off the radar screen of most policy-makers and media following the March 2002 presidential election in which Robert Mugabe was declared re-elected by a landslide. This is a mistake. The situation is not stabilising; it is becoming more dangerous.

Most international observers believe the election was deeply flawed, if not stolen outright.<sup>1</sup> More importantly, although the ZANU-PF government is using violence and intimidation to compel it, the opposition Movement for Democratic Change (MDC) and many ordinary citizens are not willing to accept the result. Negotiations between ZANU-PF and the MDC under the facilitation of South African and Nigerian diplomats have broken down. The MDC is talking about launching mass public protests within a matter of weeks. Even if kept peaceful as the party says it intends, these almost surely would be met with overwhelming force by the government.

Both Zimbabwe's neighbours and the wider international community have thus far been passive but time may be running out rapidly to prevent serious bloodshed of the kind that could lead to major conflict within Zimbabwe and produce highly destabilising influences, from streams of refugees to economic crises, throughout southern Africa.

There is an urgent need to get government and opposition back to the negotiating table and

constructively focused on reaching a compromise that keeps the peace, moves the country toward democracy and rule of law, and to early elections. This report analyses how this can best be done.

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<sup>1</sup> ICG believes the presidential election was stolen. For discussion of that issue and of the immediate reactions, domestic and international, see ICG Africa Report No. 41, *Zimbabwe at the Crossroads: Transition on Conflict?*, 22 March 2002.

## II. POST-ELECTION DEVELOPMENTS

### A. THE POLITICAL STATE OF THE NATION

#### 1. Government Actions

President Mugabe has made numerous statements since the election urging national reconciliation, including one delivered on Zimbabwe's Independence Day (18 April 2002). However, there is considerable evidence that his government has continued to sponsor the systematic violence against MDC supporters, commercial farmers, and farm workers that began well in advance of the vote. Indeed, the ruling party appears to be using violence and associated attempts at intimidation in order to compel the population to accept the results rather than challenge them politically and legally. Two top ZANU-PF officials, Stephen Nkomo and Kembo Mohadi, reportedly warned police officers at provincial stations not to intervene in politically motivated events.<sup>2</sup> More specifically, senior government officials instructed police not to get involved in cases where farmers are being stripped of their land and property.<sup>3</sup>

The political opposition is being subjected to extensive and systematic repression. One civil society organisation reports that it receives numerous complaints that "Those who vote for the MDC [can] expect retribution for their actions".<sup>4</sup> Hundreds of the MDC's polling agents across the country are reportedly being prevented from going back to their homes or fear to do so. Arrests have apparently been targeted in many parts of the country particularly at MDC administrative staff. Arrests of activists and critics of the government reportedly reached into the thousands in the first

<sup>2</sup> ICG interviews, April 2002.

<sup>3</sup> Human rights groups report that "the police have taken no positive action to curb the [land and home] evictions and have been reported to merely observe evictions as they took place, as has been reported by Assistant Inspector Maju, the Officer In Charge at Marondera Rural Police Station". Zimbabwe Human Rights NGO Forum, "Political Violence Report, 16-30 April 2002", 3 May 2002.

<sup>4</sup> Amani Trust, "The Presidential Election and the Post-Election Period in Zimbabwe", 10 May 2002. The Amani Trust reports that those responsible for the violence are ZANU-PF supporters, police, the Central Intelligence Organisation, the army, militias, and youth militias.

four weeks after the election.<sup>5</sup> Most of these persons are still in detention.

It appears that the government has a strategy directed at weakening the foundations of the MDC and the resource base of its principal backers, notably the labour unions<sup>6</sup> and white farmers. Human rights organisations insist that the humanitarian situation is "further deteriorating" and that 57 people – mostly opposition supporters – have been killed since January 2002, nearly half of them after the election.<sup>7</sup> Zimbabwean groups estimate that 50,000 to 70,000 people have been displaced by political violence and land invasions since the elections, bringing the total to more than 300,000 since 2000. Most of these are rural MDC supporters, including black farm workers.<sup>8</sup> As one farm worker with visible bruises commented, "we were beaten by war veterans shoulder-to-shoulder with the policemen. They were there, together; the war veterans come and beat you. The policemen there ... they don't even act."<sup>9</sup>

A Harare-based diplomat asserted to ICG that:

<sup>5</sup> Associated Press, 6 April 2002. See also Zimbabwe Human Rights NGO Forum, "Political Violence Report", op. cit.; Amani Trust, "The Presidential Election", op. cit.; and Lawyers Committee for Human Rights, "Advocacy Alert: Crisis in Zimbabwe", 9 April 2002.

<sup>6</sup> The Zimbabwe Congress of Trade Unions (ZCTU), for example, charges that it is being subjected to police intimidation, threats, and the arbitrary use of new security laws. See Statement of the International Confederation of Free Trade Unions, 14 May 2002.

<sup>7</sup> Reports from the Zimbabwe Human Rights NGO Forum Political Violence Report, 15 May 2002, and the Amani Trust, as well as Stella Mapenzauswa, "Zimbabwe Human Rights Group Say Violence Worsens", Reuters, 29 April 2002.

<sup>8</sup> IRIN, 5 April 2002, ICG interviews, April and May 2002, and "Preliminary Report of a Survey on Internally Displaced Persons from Commercial Farms in Zimbabwe", Amani Trust, 31 May 2002. The Crisis in Zimbabwe, a civil society organisation, and Amani Trust call this an evolving humanitarian crisis and say they have difficulty providing the displaced adequate food, water and shelter. The security of this population remains of great concern. One eyewitness told ICG of a visit to a house and garden in Kadoma, 200 kilometres south of Harare, in which 200 people lived. Other eyewitnesses reported that internally displaced persons were being transported from one location to another without food or blankets, with some being released and then attacked by militia groups.

<sup>9</sup> News 24 (South Africa), 4 June 2002.

The campaign of retribution has reached staggering proportions. There was a widespread assumption that the government would back off after the election and reduce the violence against opposition supporters. Rather, it has gotten worse. The violence has increased, and more people are being displaced.<sup>10</sup>

The Zimbabwe Women Lawyers' Association is collecting evidence in order to prepare legal action against what it considers to be the increasing use of rape as a political weapon against women suspected of being MDC supporters or of being married to MDC supporters. Some women reportedly have been detained and are being sexually abused in ZANU-PF youth militia camps.<sup>11</sup>

ZANU-PF policies appear borrowed in a number of instances from past repressive regimes. In interviews, Zimbabwean and South African interlocutors continually noted the similarities with Rhodesian and apartheid South African policies aimed at keeping down any form of opposition. A key element of apartheid South Africa's approach included prosecutions of African National Congress (ANC) officials for treason that at least consumed party resources for legal costs when they did not immobilise leaders for years. Zimbabwe's government is doing much the same, having charged leading MDC members – including its President and Secretary General – with treason in March 2002, shortly before the presidential election “It's as if the old apartheid regime is advising Mugabe”, said a South African civil society leader.<sup>12</sup>

Similarly, the government is harassing the independent media, using the Access to Information and Protection of Privacy Act that was signed the week after the election to limit news coverage. In the three months that the Act has been in effect, eleven editors and journalists of the

domestic independent and foreign press have been arrested under its terms, including recently reporters from *The Guardian* (UK) and the *Daily News* (Zimbabwe).<sup>13</sup> It is likely that one or more of the independent papers will be closed.

## 2. Opposition and Civil Society Actions

The MDC and civil society agree that the election was unfair and its results illegitimate because they did not reflect the popular will. There is much less agreement, even within the MDC, about an appropriate response, but the tendency is increasingly leaning toward more direct challenges, which are risky because the ZANU-PF government has shown that it takes an iron-fisted approach to any public opposition.

The government has already invoked the Public Order and Security Act (POSA), passed shortly before the election, to undercut civil society efforts to stage protest events. The POSA requires that any public meeting of two or more people be notified to the police in advance. Many public meetings have been cancelled, and others have been broken up, with the participants arrested for failing to notify police. Prospects of successfully challenging the act in court are dim, even though it appears to be a clear violation of constitutional guarantees of freedom of speech and assembly, as President Mugabe has stacked the judiciary with his loyalists.<sup>14</sup>

The first planned effort at post-election mass action was a 20-22 March 2002 “stay-away” from work organised by the Zimbabwe Congress of Trade Unions (ZCTU). The effort was largely unsuccessful, as most people went to their jobs. A Harare-based diplomat explained:

The government did a good job of disrupting the ZCTU plans. They couldn't get their

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<sup>10</sup> ICG interview, May 2002.

<sup>11</sup> ICG interviews, April and May, 2002.

<sup>12</sup> ICG interview in South Africa, 15 April 2002. Reportedly, senior ZANU-PF officials attended an anti-sanctions conference late in 2001, at which key sanctions-busters from the apartheid South African regime and Ian Smith's Rhodesia government lectured. *Africa Confidential*, Vol. 43, No. 6, 22 March 2002.

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<sup>13</sup> For example, Lloyd Mudiwa and Collin Chiwanza from Zimbabwe's only independent daily newspaper, *The Daily News*, as well as Andrew Meldrum from *The Guardian* (UK), were arrested in early May on charges of “abusing journalistic privilege and publishing false news”, which can lead to prison terms of up to two years. *The Independent* (UK), 7 May 2002.

<sup>14</sup> For more information on the state of the judiciary, see ICG Africa Briefing, *Zimbabwe: Time for International Action*, 12 October 2001, and ICG Africa Report No. 40, *All Bark and No Bite? The International Response to Zimbabwe's Crisis*, 25 January 2002.



message out, and there was a lack of alternative planning by the union. People would have lost their salaries for participating. The security forces were deployed to the high-density suburbs to beat people who weren't at work.<sup>15</sup>

The strike was hindered further by organisational problems. The business community did not or could not lend its support, and communications between the union and workers were poor.<sup>16</sup> The ZCTU itself is undermined by capacity issues and an eroded funding base, as well as by a government-created alternative union.

The National Constitutional Assembly (NCA), a civil society group that advocates a new constitution, has attempted to hold two demonstrations. A massive police deployment largely prevented the first, planned for 6 April. Its 23 April event, however, was more successful, with 400 to 1,000 people taking part in Harare<sup>17</sup> and smaller numbers in four other cities despite heavy police presence. The protesters stood in lines for food and other scarce items. At a pre-arranged time, they left the lines, gathered on the main street, and marched through town chanting "Mugabe must go". Police quickly dispersed them, arresting 38.<sup>18</sup>

The MDC has thus far held together, united by opposition to continued – and in its view illegitimate – ZANU-PF rule but its fault lines have become more apparent. These include those between advocates of peaceful change and militants; between labour unionists, intellectuals and businesspeople; and between older and younger members. Ethnic, gender, and racial tensions also emerge on occasion.

The party has had difficulty settling on a consistent strategy since the election. It has participated in party-to-party talks with ZANU-PF under South African/Nigerian facilitation (see below), initiated a court challenging to the election results after first saying it would not, and sought to stimulate international support for a re-run of the election. After much internal debate, the party decided to

exhaust these channels before pursuing more robust forms of peaceful protest. There are increasing indications, however, that the time is fast approaching when it will move to risky mass protests.

Some Zimbabweans believe that the MDC has not done enough to galvanise domestic rejection of the election results, accusing it of mostly standing on the sidelines when the NCA and ZCTU attempted mass actions. One civil society leader charged:

The MDC has no post-election strategy. When the election results were announced, they did right by renouncing them. But they should have pushed mass action and exposed ZANU-PF's brutality. Without any demonstration of internal struggle in Zimbabwe, the MDC's leverage at the negotiating table and with the international community is reduced. The government simply does not respect them because they haven't generated any mass action.<sup>19</sup>

Such critics argue that the party's tactical position was strongest immediately after the election when world attention and domestic disappointment were sharpest. They conclude that the delays while leaders argued strategy have undermined its ability to challenge the legitimacy of the elections. For example, the MDC initially said it would not contest the election in the courts because the judiciary was not impartial. The party subsequently reversed its position and filed a case. "Such inconsistencies are fast becoming the MDC's hallmark and don't help its public reputation", a Zimbabwean observer said.<sup>20</sup>

The MDC leadership defends its restraint. "Internal pressure can be generated if the MDC calls for it", a senior opposition figure asserted. "We have refrained from mass action because we are aware of the degree of repression and violence ZANU-PF has planned in response. We won't start mass action until we are ready to be in it for the long haul".<sup>21</sup> The MDC presidential candidate, Morgan Tsvangirai, has held rallies and consulted MDC structures around the country. He says that the response to his message for an election re-run

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<sup>15</sup> ICG interview, 20 April 2002.

<sup>16</sup> The ZCTU says it has learned important lessons from this failed effort. *Daily News*, 22 and 25 March 2002.

<sup>17</sup> Eyewitness estimates vary. ICG interviews, April 2002.

<sup>18</sup> ICG interviews with eyewitnesses, 24 April 2002.

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<sup>19</sup> ICG interview, 18 April 2002.

<sup>20</sup> ICG interview, 6 May 2002.

<sup>21</sup> ICG interview, 19 April 2002.

has been overwhelmingly positive but after merely hinting for two months that mass action may be the only course left to the opposition if there is no prospect of a re-run, Tsvangirai has begun to talk openly of going into the streets.

In his most explicit statement, on 19 May 2002, Tsvangirai said that he would lead thousands out in protest “soon”, possibly within a few weeks. He told a reporter that:

Mass action is inevitable and unavoidable. We have come to a stage where non-violent action has to be taken. The assessment we have from consulting with the people is that they are prepared to protest against this illegitimate government. Even three weeks or a month is too long. I have been going around the country, and I tell you the mood is combative and defiant. I am glad there is consensus between the rural and urban divide about the illegitimacy of the government. As a responsible leadership we are going to channel their emotions in a positive way that will resolve the crisis this country is in.<sup>22</sup>

President Mugabe responded on the same day that his government was prepared “to talk peace if the MDC wants to talk peace, but if they choose violence, then we will deal with them effectively”.<sup>23</sup> The government is reported to be preparing a plan for dealing with threatened mass actions by pre-emptive arrests of leaders and brutal treatment of participants.<sup>24</sup>

## B. THE ECONOMIC STATE OF THE NATION

The stand-off between the ZANU-PF government that has been confirmed in office by President Mugabe’s controversial victory and the embittered MDC opposition that feels both cheated electorally and oppressed politically attracts most attention. However, behind the headlines, Zimbabwe’s economy is haemorrhaging.

Less and less competitive on a global scale,<sup>25</sup> the economy, according to one embassy study, has shrunk 25 per cent since 1998.<sup>26</sup> Real GDP fell around 8.5 per cent last year, the annual inflation rate is now 116 per cent, and unemployment has surpassed 60 per cent.<sup>27</sup> Although if present rates hold through December, real income will have dropped by one-third over the past three years,<sup>28</sup> the economic crisis is being treated as a peripheral issue by the country’s political leadership. Much of the difficulty indeed can be traced to the government’s fiscal mismanagement, including a massive pre-election civil service wage increase of 55 to 80 per cent in January 2002. That wage increase was one of many instances in which fiscal policy was used as a political tool to increase the government’s popularity.

Zimbabwe continues to conduct short-term economic crisis management by maintaining negative real interest rates while ignoring the larger problems of the enormous domestic debt and the devastating impact of price controls.<sup>29</sup> The fiscal deficit is predicted to rise to 12.6 per cent of GDP this year.<sup>30</sup> These policies, coupled with the government’s violent fast track land reform program, have dramatically shaken investor confidence. Foreign direct investment in 2001 was down to U.S.\$4.5 million from U.S.\$436 million in 1998.<sup>31</sup> Decreased production in the gold export sector, as well as major reductions in foreign aid,

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<sup>25</sup> The Swiss-based World Economic Forum, which judges markets according to the “underlying prospects of growth ... in the next 5 years”, rated Zimbabwe the least competitive economy of the 75 surveyed in its March 2002 report. The criteria used to assess competitiveness included, among others, macroeconomic climate, public institutions, and level of technological advancement.

<sup>26</sup> ICG interview, 20 April 2002.

<sup>27</sup> Economist Intelligence Unit, Country Report: Zimbabwe, April 2002.

<sup>28</sup> Ibid and ICG interview, 20 April 2002. Even the Ministry of Finance has forecast GDP to fall by 10 per cent in 2002. *Zimbabwe Independent*, 19 April 2002.

<sup>29</sup> The domestic debt is now estimated to be 48 per cent of GDP and 63 per cent of planned expenditure, or Z\$509 billion. In other words, for every Z\$1 Zimbabwe plans to spend, 63 cents must go to settle domestic debt. The government is also said to be expanding the money supply too rapidly, thus driving up inflation. ICG interviews with donor government officials, May 2002.

<sup>30</sup> Economist Intelligence Unit, Country Report, Zimbabwe, April 2002.

<sup>31</sup> ICG interview with donor government official, May 2002.

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<sup>22</sup> *The Guardian* (UK), 20 May 2002.

<sup>23</sup> Ibid.

<sup>24</sup> ICG interviews, June 2002.

have led to a current account deficit of more than 1.6 per cent of GDP. The International Monetary Fund (IMF) recently called upon the government “to devalue the currency, kick start the economy, and tighten monetary policy”.<sup>32</sup>

Zimbabwe’s industries have reduced operating hours and production volume, and many basic commodities are simply not available in many areas of the country.<sup>33</sup> The same is increasingly true for food, which is becoming so scarce and expensive that a UN report foresees potential for famine.<sup>34</sup> Government-directed farm seizures and the violence that accompanies them have contributed substantially to a 40 per cent decline in agricultural output.<sup>35</sup> Ninety per cent of 4,500 large-scale farmers have stopped farming or had operations severely disrupted.<sup>36</sup>

Farm seizures by war veterans – the ZANU-PF shock troops – with the full support of police and without due process are increasing at a rapid pace. More than 250 farmers have been forced off their land – along with thousands of farm workers – since the March election.<sup>37</sup>

The passage of the Land Acquisition and Amendment Bill in early May 2002, which authorises seizures of farm equipment and puts further restrictions on farmers,<sup>38</sup> facilitates the eviction of white commercial farmers through a simple process of notification, called a Section Eight. This prohibits a farmer from planting a crop and gives him a 90-day eviction notice. In

practice, war veterans are expelling farmers without regard for even this law and looting the properties.<sup>39</sup> After the election, the government stated that all farm equipment on seized farms is the property of the state, and farmers are forbidden from removing it. Government trucks and lorries were seen in Mashonaland West Province ferrying farming equipment seized from white farmers to unknown destinations.<sup>40</sup>

War veteran leader Andrew Ndlovu, who has spearheaded the latest wave of seizures, said there should be no white farms left in the country by August 2002 and indicated that the Asian business community will be the next target.<sup>41</sup>

Zimbabwe’s worst drought in a decade has exacerbated the food security problem, devastating maize production, leaving store shelves completely bare in some places and affecting in particular more than 600,000 people in the South.<sup>42</sup> Early projections are that the spring maize crop will net roughly 595,000 metric tons, enough to last only until the end of August.<sup>43</sup> Because harvests are forecast at less than half of last year’s crop, the country will need to import at least 1.5 million tons of food in 2002.<sup>44</sup>

Anticipating a possible recurrence of the 1998 food riots following its post-election decision to increase the prices of bread<sup>45</sup> and cooking oil, the

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<sup>32</sup> Economist Intelligence Unit, Country Report, Zimbabwe, April 2002.

<sup>33</sup> *Zimbabwe Standard*, 21 April 2002.

<sup>34</sup> See Food and Agriculture Organization, World Food Program Crop Food Supply Mission Report, April/May 2002, speaking of “an immediate, serious food crisis ... that could evolve into a famine” with more than five million people needing food aid by June 2002. UN officials are also said to expect that food shortages will cause the death toll to rise from HIV/AIDS, which infects more than 20 per cent of Zimbabwe’s population. *Africa Confidential*, Vol. 43 No. 11, 31 May 2002.

<sup>35</sup> Economist Intelligence Unit, Country Report: Zimbabwe, April 2002.

<sup>36</sup> *Financial Gazette*, 21 March 2002.

<sup>37</sup> *Business Day*, 3 May 2002.

<sup>38</sup> Constitutional lawyer Greg Linnington of the University of Zimbabwe commented that the bill is “designed to accelerate land acquisition by the state. The whole thing is generally bad news for the agricultural community”. IRIN, 9 May 2002.

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<sup>39</sup> *Financial Gazette*, 18 April 2002.

<sup>40</sup> ICG interview, April 2002.

<sup>41</sup> *Zimbabwe Herald*, 24 April 2002. Ndlovu called on Asian Zimbabweans to give up some of their shops, businesses and factories to war veterans. However, he was arrested on 17 May after clashing with the acting chairman of the war veterans association, following which he charged that “I’m being sacrificed ... so that they can be seen by the international community to be observing the rule of law. [The youth militias] who helped the party win the elections are crying out in the bush. They are not being catered for ... [The ministers] have been grabbing farms since 1980. Can you point out to me one minister who does not own a farm?”. *The Zimbabwe Standard*, 18 May 2002.

<sup>42</sup> *The Sunday Telegraph* (London), 14 April 2002.

<sup>43</sup> IRIN, 23 April 2002

<sup>44</sup> BBC Online, 31 May 2002. Despite this shortage, the government recently rejected more than 10,000 tons of maize from the U.S. because, it said, the food was genetically modified. *Ibid*.

<sup>45</sup> This happened despite promises by President Mugabe during the election that he would not increase the price of

government has deployed army and police units to patrol the townships and crush any spontaneous food protests.

There are serious accusations that President Mugabe is using food as a political weapon, punishing those who supported the opposition in the election and rewarding his own followers.<sup>46</sup> In interviews during the spring, both local and international relief organisations told ICG their personnel have been threatened by ZANU-PF cadres as they attempted to distribute food. War veteran militias reportedly blocked access to food storage warehouses in some cases.<sup>47</sup> The World Food Program has warned the government against politicising food aid, and Physicians for Human Rights has reported that:

ZANU-PF supporters, civil servants and traditional leaders are blocking MDC supporters from acquiring maize ... It is clear that some schemes have been discriminatory for months without the donor being aware.<sup>48</sup>

Zimbabwean NGOs have reported that even children of MDC supporters, in Mberengwa East (in the south of the country) among other places, have been denied access to school feeding programs, and that ZANU-PF is distributing food along party lines.<sup>49</sup> The government is also allegedly channeling basic commodities through the Grain Marketing Board to ZANU-PF supporters.<sup>50</sup>

Government officials deny that children have been refused food or that food aid is being directed only to areas where government support is strong. The Ministry of Agriculture has said it is simply prioritising areas for food distribution in the same fashion as during the 1992 drought.<sup>51</sup>

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basic commodities if he was re-elected. *Zimbabwe Daily News*, 23 April 2002.

<sup>46</sup> According to *Africa Confidential*, 31 May 2002, Vol. 43, No. 11, the government "has been deliberately cutting off food aid to pro-opposition groups".

<sup>47</sup> ICG interviews, April 2002; *Daily News* (Zimbabwe), 5 June 2002.

<sup>48</sup> *Financial Times* (London), 4 June 2002.

<sup>49</sup> IRIN, 8 April 2002 and the *Sunday Telegraph* (London), 14 April 2002. There are similar reports that in many other locations access to public health and education facilities is also denied to MDC supporters and their children.

<sup>50</sup> *Ibid.*

<sup>51</sup> IRIN, 22 April 2002.

Whatever the domestic political aspects of the food situation, it is having a serious direct effect across the border in South Africa, where maize prices have increased by more than 14 per cent in 2002 because of the major reductions in Zimbabwe's output.<sup>52</sup> This has led in turn to price increases for milk, beef and poultry, with the usual disproportionate effects on poorer households in terms of nutritional intake.<sup>53</sup>

Any change in Zimbabwe's disastrous economic policy is probably contingent upon resolution of the political crisis. If a political agreement is reached, the government will likely feel intense domestic and regional pressure to introduce a comprehensive economic reform package. Such a program would include tightening fiscal control, devaluing the currency and developing a conventional monetary policy. If the political standoff continues, however, the economy will continue to erode, with further loss of industry, retreat into subsistence agriculture and contraction of trade.<sup>54</sup>

## C. INTERNATIONAL REACTIONS

The preponderance of international actors, including the EU, the U.S. and the Commonwealth, proclaimed the election process fatally flawed. Many refused to recognise the result. The Commonwealth, working through an ad hoc three-state committee of Australia, South Africa, and Nigeria suspended Zimbabwe. Contrastingly, many official African observers, including those from South Africa and Nigeria as well as the Organisation of African Unity and the Southern African Development Commission, judged the result acceptable.<sup>55</sup>

Even those that condemned the election, however, have taken few additional meaningful measures, suggesting yet another example of a serious

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<sup>52</sup> *Mail and Guardian* (South Africa), 26 April 2002.

<sup>53</sup> *East Cape News* (South Africa), 16 April 2002.

<sup>54</sup> "Africa Begins to Isolate Zimbabwe", *The Financial Gazette*, 18 April 2002.

<sup>55</sup> The SADC Parliamentary Forum, however, disagreed with SADC's official delegation, saying that the process did not conform to SADC's own norms and standards for elections. Senegal, as well as an observer team from Ghana, also condemned the elections as "unacceptable".

African issue gaining episodic high-level Western attention and rhetoric, but ultimately not a sustained policy response.

The U.S. and EU talked tough in the immediate aftermath of the election but have not expanded the limited targeted sanctions they imposed against key ZANU-PF officials and their commercial supporters shortly before election day. Specifically, the U.S. expanded the list of those subject to its travel restrictions but has not frozen assets while the EU has not added any names to its target list. Both are having trouble enforcing the limited travel ban already in effect.

Leading members of the G-8 – including the U.S., UK and Canada – have dissipated leverage by subtly altering their position on the New Partnership for Africa's Development (NEPAD), a blueprint for future relations between Africa and the broader international community. They had earlier indicated that how Africans responded to the crisis in Zimbabwe would dictate the degree of their support for NEPAD. However, some G-8 members now appear to be settling for a policy that would simply withhold program benefits from a country like Zimbabwe that violates minimum reform standards but otherwise not condition support for the initiative on the application of greater peer pressure against an African backslider.<sup>56</sup>

The UN – its Secretariat, Security Council, and operational agencies – have failed to act across the board. The Human Rights Commissioner has not responded. The UNDP, the lead UN agency in Zimbabwe, continues to avoid confrontation with the government on basic issues of governance, preferring to remain engaged ineffectually on land reform.

Divisions over Zimbabwe's electoral process spilled over to the UN Commission on Human Rights. Spain, on behalf of the EU, submitted a draft resolution to the Commission asking for assurances from Zimbabwe "of full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass

media"<sup>57</sup> and for UN experts to investigate allegations of political violence. The Commission, with the concurrence of most African and Asian members, narrowly voted for "no-action". Amnesty International called this a decision that "will only contribute to the perpetuation of impunity, which is the root cause for the ongoing violation of human rights in Zimbabwe and a threat to regional stability".<sup>58</sup>

African states have attempted to keep Zimbabwe away from some important meetings. This seems to have less to do with a desire to put pressure on President Mugabe, however, than to keep controversy over his re-election and the ZANU-PF government from complicating economic decisions that the continent seeks from the wider international community. Thus, Africans have urged Zimbabwe to keep a low profile until after NEPAD is endorsed by the G-8 at its summit on 26-27 June 2002.<sup>59</sup> Zimbabwe was missing from an important April summit of the fourteen-nation Southern Africa Development Community (SADC) in Pretoria. It was also left out of a meeting in Senegal, where the IMF and the World Bank drew up a plan to produce U.S.\$64 billion in annual aid to Africa.

Nevertheless, as they did at the UN Human Rights Commission, most African governments have maintained a public position of solidarity with Mugabe. They criticise an alleged double standard in the West's zealous promotion of democratic standards and property rights where white interests are at stake, as in Zimbabwe, while, they argue, the same governments downplay the lack of democracy in other countries.

Even South Africa and Nigeria, despite their crucial support of the Commonwealth suspension decision, have run considerable international interference for the ZANU-PF government. Whereas the West can be criticised for policies that before the March election were "all bark and no bite" and in recent months have increasingly lost even much of the bark, however, the two key African countries have concentrated on trying to

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<sup>56</sup> For further discussion of Western sanctions policy and NEPAD, see Section V below.

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<sup>57</sup> "Zimbabwe: Amnesty International Regrets Inaction By United Nations Commission On Human Rights", Amnesty International Report, 25 April 2002.

<sup>58</sup> Ibid.

<sup>59</sup> "Africa Begins to Isolate Zimbabwe", *The Financial Gazette*, 18 April, 2002.

facilitate a negotiated party-to-party resolution to their neighbour's crisis.

### III. PARTY-TO-PARTY NEGOTIATIONS

Following its decision in the immediate aftermath of the March election to suspend Zimbabwe, the Commonwealth empowered South Africa and Nigeria to facilitate party-to-party talks between ZANU-PF and the MDC. This initiative represents perhaps the only realistic opportunity for the two sides to pull back from the crisis before it deteriorates to greater violence. It is not going well, however – indeed, negotiations have collapsed for the moment – and urgent further efforts to rescue it are required from all concerned, including its immediate sponsors and the wider international community.

#### A. THE FACILITATORS' OBJECTIVES

While the Commonwealth has encouraged South Africa and Nigeria, it has not otherwise engaged in the initiative, which is run on the ground jointly by African National Congress Secretary General Kgalema Motlanthe and Presidential Adviser Adebayo Adedeji. Both are seasoned diplomats with the ear of their respective presidents in Pretoria and Abuja. There is no clear reporting channel to the Commonwealth or specific timeline.

South Africa and Nigeria have multiple motives for their activism: to de-escalate the crisis in Zimbabwe and limit its regional repercussions; to demonstrate African self-management ability in handling a regional crisis; and to ensure that Zimbabwe does not compromise other interests, including achieving Western support for NEPAD.

As an immediate neighbour, South Africa naturally desires to play a leading role in any response to the Zimbabwean crisis. Its chief concern remains the stability of Zimbabwe. "Our main priority is the prevention of a melt-down in Zimbabwe", said one senior South African official. "Rapprochement between the parties is the best way to achieve that, and to ultimately realize that no one has horns".<sup>60</sup>

The South Africans aim to facilitate negotiation of what would in effect be a national unity government, though perhaps under some other

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<sup>60</sup> ICG interview in South Africa, 16 April.

name,<sup>61</sup> that could begin to tackle the economic difficulties. They do not support the MDC's position that the March election must be re-run since they consider this a demand that ZANU-PF will never accept.<sup>62</sup> They look at the model of cooperative government in South Africa itself as a helpful guide for Zimbabwe.

The objective of a national unity government is controversial, however, and some observers question South Africa's motives in pushing for it. One prominent South African academic cautioned:

A government of national unity is a mechanism for discrediting the MDC; it would split the party. If this is the objective, the only outcome of the negotiation will be the destruction of the MDC. South Africa is trying to put the MDC in a vulnerable position to undermine their credibility, to make them walk out of the talks and to make ZANU-PF look reasonable.<sup>63</sup>

An MDC official expressed similar concerns:

The original objective of the facilitators was a government of national unity, which meant to them handpicking a few people from MDC and giving them titles in the government. They thought we would cave in immediately.<sup>64</sup>

Some observers saw additional reasons to be sceptical about the motivations of the facilitators. "We worry about a strategy of just stringing talks along", said one diplomat. "Just having the talks could meet South African objectives of sweeping the problem under the rug and reducing pressure from the international community".<sup>65</sup>

Whether or not this degree of wariness about South Africa's motives is justified, it is apparent that there is some distrust of the MDC's agenda and of some of its support. "Morgan Tsvangirai is an agent of Western colonialism", stated a high-ranking South African official.<sup>66</sup> A South African civil society leader touched on a different sensitivity, saying "The ANC fears the rise of a South African version of the MDC which will challenge its rule".<sup>67</sup>

Nigeria has fewer direct interests than South Africa. One Zimbabwean analyst asserted, "Nigeria is stuck. It wants to appear to be the champion of democracy, but wants also to play to the gallery of African regional leaders".<sup>68</sup> It will work hard to demonstrate African (and its own) capacity for crisis management, to highlight its commitment to democracy, and to protect NEPAD, but it is likely to defer to South Africa's lead.

## B. THE GOVERNMENT'S OBJECTIVES

ZANU-PF has power and intends to keep it. Beyond this fundamental objective, it would, of course, like to rule with the minimum internal disturbance possible and repair its international position. Thus, while it insists that the election won by Mugabe is non-reversible and non-negotiable and so rules out a re-run, it has some tactical flexibility. It will be willing to discuss how the MDC can work with the government to help Zimbabwe out of its economic and political crisis. Ultimately, it wants the opposition to accept the election results. If it will not, it will intensify efforts to destroy the MDC, but if it comes to that, ZANU-PF hopes to have first established, at least for sympathetic or potentially sympathetic African governments, including those of the facilitators, that it gave negotiations a half chance.

For this latter reason, ZANU-PF appeared relatively amenable to a government of national unity – a variation of a device it had used in the

<sup>61</sup> "What they call it – a government of national unity or a transitional government – will be their decision", said one South African diplomat. ICG interview in South Africa, 17 April 2002.

<sup>62</sup> "We need to move the MDC off of its position of the illegitimacy of the government", a South African official commented. "There is no way ZANU-PF can accept a re-election". ICG interview in South Africa, 16 April 2002. Other members of the Commonwealth have been more nuanced about whether a new election should be part of the package. ICG interviews, April and May 2002.

<sup>63</sup> ICG interview in South Africa, 15 April 2002.

<sup>64</sup> ICG interview, 19 April 2002.

<sup>65</sup> ICG interview, 20 April 2002.

<sup>66</sup> ICG interview in South Africa, 15 April 2002.

<sup>67</sup> ICG interview in South Africa, 15 April 2002. Partially explaining this South African mistrust is the fact that the MDC has done a poor job at countering questions and perceptions about its platform, especially on land and race issues, where many Africans consider it too accommodating to white farmers.

<sup>68</sup> ICG interview, 19 April 2002.

past to defuse and co-opt opposition – when the South African/Nigerian initiative began. Some ZANU-PF officials, however, were not eager to embark on this approach again. Many ministers, for example, feared their appointed positions would be at risk if opposition leaders had to be absorbed into the government. They accordingly opposed any negotiations. An official closely associated with the talks elaborated: “Some of them are dead set against the process. [Information Minister] Jonathon Moyo tried to kill it by fomenting opposition to the dialogue when the agenda was being set”.<sup>69</sup>

There is, however, considerable ferment within ZANU-PF about how to handle negotiations. In interviews with ICG, a number of more junior party officials portrayed President Mugabe as the major obstacle to an arrangement since he reportedly opposes making any concessions to the MDC. These officials claimed Mugabe, Moyo, Justice Minister Patrick Chinamasa, who was appointed to lead the government delegation, and Agricultural Minister Joseph Made agreed to talks solely in order to protect the party’s credibility. They indicated that they themselves and others genuinely support the talks as a means of striking a deal on a cooperative government with the MDC in order to regain international acceptance. They were unanimous, however, in their conclusion that whatever range of opinion may exist within the party on compromising with the MDC, there is a firm consensus against an election re-run.<sup>70</sup>

Civil society and opposition officials interviewed by ICG uniformly believe that ZANU-PF is interested in negotiations only as a means of recovering international acceptance. Their suspicion of the process comes through in the argument that the facilitators will work with ZANU-PF to help the ruling party look reasonable and bait the MDC into emotional responses that make it appear the intransigent side. Most predict that ZANU-PF will delay and obfuscate for as long as it takes to defuse any possibility of mass action aimed at a new election and to reduce international pressure on it (and South Africa).<sup>71</sup>

## C. THE MDC’S OBJECTIVES

The MDC wants a re-run (with external supervision) of the March 2002 election that it believes was stolen and insists that it will accept nothing less. It sees this as the best way both to establish the illegitimacy of the present ZANU-PF government and, ultimately, to resolve Zimbabwe’s crisis. It also wants a new constitution, although it does not make this a pre-requisite for a fresh election. It rules out a government of national unity as unworkable and unrealistic since, in its view, it would not address the legitimacy of President Mugabe’s mandate.

The party is also struggling to ensure its survival. The threat from ZANU-PF – via co-option or force – is clear, but it also faces internal pressures to achieve tangible results lest it splinter along the fault lines cited above. Consultations across the country following the March election showed the leadership that the party’s grassroots are sceptical of and uneasy with negotiations. As a result, the MDC Executive Committee gave explicit instructions to its delegation to stick to the demand for a new election and to walk out if this could not be achieved. The implication – one that Tsvangirai’s recent remarks have made more explicit – is that the MDC will switch to pursuing a re-run by mass action if it cannot get that result by negotiating.

Despite the risks involved in a street strategy, the MDC will be hard-pressed to remain in a room with ZANU-PF and the facilitators if there is not an early indication that new voting is on the table. However, a South African official observed, “If the MDC becomes stubborn, this will play right into ZANU-PF’s hands. We know ZANU-PF will cooperate. But international support for the MDC will drive it to overplay its hand [and demand too much]”.<sup>72</sup> A Zimbabwean analyst elaborated: “There is a danger of the disintegration of the MDC if there is a failure to reach a minimally acceptable agreement”.<sup>73</sup> The evidence of increased stress as the party’s leaders struggle to reconcile these pressures is already evident.

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<sup>69</sup> ICG interview, April 2002.

<sup>70</sup> ICG interviews with ZANU-PF officials, April and May 2002. These sources also called the MDC’s Tsvangirai a major obstacle to any agreement.

<sup>71</sup> ICG interviews, April and May 2002.

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<sup>72</sup> ICG interview in South Africa, 16 April 2002.

<sup>73</sup> ICG interview, 19 April 2002.



## D. OUTCOMES AND PROSPECTS

A first round of talks was held in early April 2002, primarily to agree on the agenda. Differences over the scope of negotiations quickly threatened to derail the initiative. Eventually, however, the facilitators brokered an understanding on a ten-point plan to address, among other things, the legitimacy of the current government, the violence, elections and political parties, the state of the economy, the new constitution, agrarian reform and Zimbabwe's sovereignty.

Substantive discussions were scheduled to begin on 13 May 2002 but have now been indefinitely postponed. The MDC, concerned at the continuation of violence and intimidation against its supporters and less than fully committed to the concept in view of the doubts it was encountering in its internal consultations, considered not showing up. Eventually, however, it was ZANU-PF that backed out, announcing it would not talk further until the MDC dropped its lawsuit challenging the March election.

The ZANU-PF action probably reflects a judgement by Mugabe that regional and wider international pressure has been ineffectual and will be short-lived and that he has already demonstrated sufficient good faith by going through the motions of considering a negotiation. A long time observer concluded: "Mugabe has made a fool of the South Africans and the international community yet again. He went into the talks in bad faith and never intended to do anything but postpone and delay".<sup>74</sup>

The facilitators, however, have made no comment on the responsibility of either side for the impasse, presumably in order to maintain their capacity to operate between the fronts. They left Harare on 17 May 2002 promising to continue efforts to resuscitate the dialogue. Much depends on whether they can do so in the next weeks before the MDC feels compelled to move into the streets.<sup>75</sup>

## IV. NEGOTIATING A WAY FORWARD

The negotiations track has produced no results thus far but it remains the best available option for conflict prevention. The negotiation is in place and supported by two key regional powers. If it is not currently operative, it can nonetheless be resumed relatively quickly provided a few decisions are made by the major Zimbabwean actors. And there really is no credible option, internally, regionally, or internationally, except possibly the MDC's threat of mass action. That, however, given the predictable ZANU-PF response, would likely take the country at least to the edge of large-scale bloodshed. In the circumstances, the better part of both prudence and wisdom is for all friends of Zimbabwe to concentrate their activities – whether diplomatic persuasion, some form of sanctions, or inducements – on bringing ZANU-PF back to the negotiating table and then encouraging the two parties to reach a genuine compromise.

### A. GETTING BACK TO THE TABLE

The MDC lawsuit, challenging the March election results, is the point over which talks have formally broken off. While few believe this is a genuine ZANU-PF concern, it should be relatively easy to resolve since the MDC only decided to sue for relief after difficult internal discussions and has no expectation of winning in light of the manner in which the judiciary has been stacked with Mugabe appointments.<sup>76</sup> One option for the MDC to consider is to call ZANU-PF's bluff by suspending pursuit of its legal challenge. This would allow the facilitators, in turn, to press the governing party anew to return to the table and search for a negotiated solution.

### B. POTENTIAL COMPROMISES – CONSTITUTIONAL REFORM

The formal demands of the two sides have not changed since the first weeks after the Mugabe victory was announced when Morgan Tsvangirai

<sup>74</sup> ICG interview, 17 May 2002.

<sup>75</sup> President Obasanjo met with President Mugabe in early June 2002 in an apparently unsuccessful effort to persuade him to return to the table.

<sup>76</sup> The party decided to lodge its appeal in the hope of gaining access to files that might expose the extent of rigging and to demonstrate its willingness to pursue all legal means.

told his supporters, “If they don’t want to talk about new elections, then there is no need to even start negotiations”;<sup>77</sup> and President Mugabe said, “There will be no re-run of the Presidential election in Zimbabwe – never, never, never”.<sup>78</sup>

One idea the facilitators have floated to bridge this gap involves amending the constitution to synchronise presidential and parliamentary elections, somewhat as France recently did. This would automatically move the presidential race forward two years, since the next parliamentary elections are due in 2005. However, it would not address the MDC’s point of principle about the legitimacy of the present government and would also leave the status quo in place for three years. The opposition has rejected it, asserting that it would sanctify the March election and delay new voting for an unacceptably long period. ZANU-PF, however, seems willing to consider the proposal or some variation.<sup>79</sup>

A potentially face-saving formula in which ICG interlocutors from a broad political spectrum have shown interest is formation of a new governing mechanism composed of some mix of ZANU-PF and MDC personnel but with sufficient ambiguity as to its status so that it could be considered a “normal” government of national unity by Mugabe’s party and simply a transitional authority by the opposition. For this to work, its life cycle would have to be stipulated as being relatively short, and it would require a mandate, in addition to exercise of routine government functions, to create conditions for reform of the constitution and the holding of new elections once those amendments were in force. A Zimbabwean civil society leader who saw promise in this approach as a steppingstone to a broader agreement on conditions for a new election said:

Constitutional reform should be part of the minimum electoral reforms. Getting rid of the Electoral Act, creating an independent electoral commission, and restricting the abusive powers of the presidency are all part of a package.<sup>80</sup>

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<sup>77</sup> Tsvangirai to a 7 April 2002 rally in Chitungwiza, *Daily News*, 8 April 2002.

<sup>78</sup> Mugabe in a 5 April 2002 speech, *Zimbabwe Herald*, 6 April 2002.

<sup>79</sup> ICG interviews, April and May, 2002.

<sup>80</sup> ICG interview, 17 April 2002.

This idea is too skeletal in itself to break the deadlock but it indicates the strategy that the facilitators have been evolving. They seek to use procedural agreement on agenda points as a way to start discussion of a range of specific reforms necessary to re-establish the rule of law and a level electoral playing field. For example, the agenda item on elections and parties logically requires consideration of the requirement that political parties register with the police to hold rallies. This approach in turn would be intended to lead to examination of detailed amendments to the constitution that the facilitators would encourage be included in a package deal.<sup>81</sup>

The facilitators want to use the process and substance of constitutional reform as the means by which to bring the parties to a broad agreement. “From the constitution we can then deal with issues of inclusion and the structure of governance”, said one senior South African official.<sup>82</sup> Another South African official close to the talks suggested that a further element of such an agreement could be a referendum on the product of the constitutional convention, which, if positive, would then lead directly into a new election to fill the revised office of president. This would presumably be conducted under the supervision of an independent electoral commission, the establishment of which would itself be part of the package.

The attraction of this strategy is that it would combine a relatively quick vote for a new office of president with a broader reform process while finessing the demand for a re-run of the March election as such.

An opposition official agreed that constitutional reform could be the key concept to launch serious negotiations:

The constitution is a possible bridge. We could agree to remake the constitution in twelve months, and then hold new elections under the new constitution. There must be a process to create a constitution with a cut-off date, perhaps through a national constitutional assembly. Civil society,

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<sup>81</sup> ICG interviews, April 2002.

<sup>82</sup> ICG interview in South Africa, 16 April 2002.

ZANU-PF, and the MDC should together create a body to re-write the constitution.<sup>83</sup>

Some members of civil society are understandably cautious, saying that “Mugabe is at his weakest now. We can’t afford to let him off the hook. Constitutional reform can only be addressed in the context of a re-run of the election”.<sup>84</sup> Others argue that the constitutional issue is too narrow and offers ZANU-PF an escape route from dealing with a free and fair election.<sup>85</sup>

The experience of 1999-2000, when pressure from a civil society organisation, the National Constitutional Assembly (NCA), forced the government to create a Constitutional Commission, needs to be kept in mind. The NCA said then it would only participate if President Mugabe pledged in writing not to tamper with the draft. He refused, and the NCA boycotted the work. With broad donor support, however, the Commission ran a nation-wide outreach program to gather citizens’ views. Based on this, it drafted a new constitution, which ZANU-PF promptly re-wrote, proposing a further concentration of presidential powers. Without debate, the Chairman (now the Chief Justice of the Supreme Court) approved the text and declared the Commission’s work complete. This vindicated the NCA in its position and it campaigned for a “No” vote in the 2000 referendum, which the public delivered in Zimbabwe’s last free election.

If the facilitators pursue constitutional reform, safeguards of its integrity must be built in, including participation of civil society and probably some serious degree of international supervision, at least by the two facilitator countries, as well.

### C. ADDITIONAL INGREDIENTS

While a constitutional reform process probably offers the most scope for creative diplomacy, a number of further issues will need to go into any mix that has a chance to resolve Zimbabwe’s crisis. Three of the most important involve:

*Time Frame.* The longer the process is spun out, the more advantage to the ZANU-PF government which is, after all, in power, and especially to the sitting president. The MDC will be wary of being drawn into an open-ended negotiation that could accelerate erosion of one of its major assets: the sense of outrage within the country and abroad at the tactics used to subvert an expression of popular will at the ballot box in March 2002. It will be important, therefore, for the facilitators to push for time deadlines, first on the duration of the party-to-party talks, and then on the duration of the constitutional process into which those talks will hopefully be merged. A reasonable target for which to aim might be to complete both stages, including the setting of elections, by March 2003.

*President Mugabe.* Zimbabwe’s leader since independence is not only a powerful opponent of a more forthcoming ZANU-PF position in the party-to-party talks, but is also in himself a symbol of the change the opposition believes the country requires. The prerequisite for a successful negotiation to resolve the crisis is not that Mugabe must necessarily step down but that his power or that of a successor is limited by democratic means and that this result is safeguarded. For these things to happen, it will probably be necessary for Mugabe to receive assurances that his person and his historical legacy will be respected. While it is too soon, and passions are still too raw, to expect this to come from the MDC at the present stage, the facilitators can begin to lay the diplomatic groundwork, as may already be their intention.

A top South African official noted to ICG that “If he concludes it is time to rest, that would be good”,<sup>86</sup> and a Zimbabwean analyst alleged, “The South Africans believe that Mugabe has outlived his welcome, and they will look for a soft exit”.<sup>87</sup> The newsletter *Africa Confidential* claims that President Mbeki was reassured – after consulting with Zimbabwe’s Speaker of the Parliament and possible heir apparent to the presidency, Emmerson Mnangagwa – that Mugabe is prepared to step down “with dignity”.<sup>88</sup> Some key ZANU-PF officials, even members of the party’s Politburo, are reportedly exploring how Mugabe

<sup>83</sup> ICG interview, 19 April 2002.

<sup>84</sup> ICG interviews, April and May 2002.

<sup>85</sup> ICG interview, May 2002.

<sup>86</sup> ICG interview in South Africa, 18 April.

<sup>87</sup> ICG interview, 19 April 2002.

<sup>88</sup> *Africa Confidential*, Vol. 43, No. 7, 5 April 2002.

could be given a golden parachute into retirement.<sup>89</sup>

*Land Reform.* Much of the violence and economic chaos that has characterised Zimbabwe over the past several years can be traced to the spurious, blatantly political land reform conducted by the ZANU-PF government. Equally, however, a significant element of the residual African sympathy from which President Mugabe benefits traces to the belief that while his methods may be questionable, he is right to highlight an historic injustice. In fact, neither a calmer internal climate nor more consistent and meaningful regional pressure for political reform are likely unless the land issue is dealt with. This will be discussed more extensively in the following section since it is a matter on which Western policies may have some influence.

## V. OUTSIDE LEVERAGE

If the facilitators bring ZANU-PF and the MDC back to the table, innovative ideas in themselves will not be sufficient to produce an agreement on the way forward much less an eventual solution. As a Zimbabwean businessman put it, “It’s like mixing water and gasoline. The parties are too polarized to make a deal”.<sup>90</sup> They will need help – lots of it – from the country’s friends: some of it diplomatic persuasion, some of it tough love in the form of political and economic pressure, some of it positive inducements.

### A. DIPLOMATIC PERSUASION

#### 1. Africa

Zimbabwe’s regional and continental neighbours have the most standing, particularly with the ZANU-PF government. They need above all to support the work of the South African and Nigerian facilitators, lending their weight to the ideas for a constitutional reform process and related matters that Motlanthe and Adedeji put in play. The single most important message that should come consistently from the members of the Southern African Development Commission (SADC) and others is that whichever side is adjudged not to cooperate in good faith with the facilitation will be isolated in Africa.

The most direct and significant responsibility, however, rests with the facilitating states themselves. South Africa should tell President Mugabe that, without more cooperation from him, it will stop defending him and the ZANU-PF government in international forums. “That will have some impact on the government’s calculations. If South Africa is perceived to be prepared to act more forcefully, that in itself will influence Harare”, an opposition leader said.<sup>91</sup> It would also gain South Africa important leverage to influence the MDC, which needs more indications of Pretoria’s impartiality if it is to trust its facilitation of negotiations. Much the same calculation applies to Nigeria’s diplomatic activity.

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<sup>89</sup> ICG interview, May 2002.

<sup>90</sup> ICG interview, May 2002.

<sup>91</sup> ICG interview, 19 April 2002.

South Africa and Nigeria also should apply diplomatic pressure on states providing material support that makes the ZANU-PF government more intransigent about negotiations. Libya should be a particular target and may be susceptible to such suasion since it wants to be more widely accepted as a constructive player in Africa, and reportedly is having second thoughts about aspects of its economic relationship with Zimbabwe.<sup>92</sup>

With respect to the facilitation itself, South Africa and Nigeria need to give their chosen senior representatives greater latitude not only to introduce ideas but also to push one side or the other to engage more constructively. As already indicated, a first target for such a more robust diplomatic approach is the unhealthy climate for negotiations ZANU-PF has created. The facilitators should insist that the government immediately tone down its rhetoric and otherwise cease intimidation. As the talks proceed, they should not hesitate to talk tough to ZANU-PF about ceasing the wider violence up to and including a willingness to break off a negotiating round and go public with their judgements if there is no improvement.

This tactic would strengthen the facilitators' moral authority, prevent ZANU-PF from concluding that it has already won the game and thus has little reason to compromise, and give the MDC greater confidence in the fairness and reliability of their substantive proposals.

## 2. The EU, U.S. and Others

Western and other non-African friends of Zimbabwe likewise should put their diplomatic weight behind the facilitation effort, making clear that only those who negotiate in good faith can expect their support and cooperation. Because many Western diplomatic bridges to the ZANU-PF government have been burnt recently, especially EU and U.S. efforts can probably be directed most effectively toward the MDC. This does not imply moral equivalence of the two sides for the serious situation in which Zimbabwe finds itself. Rather, it

is recognition that Mugabe would probably be more impressed by the effort to re-establish a quiet dialogue with him – which he would likely interpret as weakness – than he would be by any demands conveyed to him.

The message that Washington, Brussels and others who have standing should convey to the opposition is one of sympathy and promises of assistance over the long haul for it and civil society in rebuilding the conditions for democracy, but also that limited support among Zimbabwe's regional neighbours for interventionary action restricts what may be done.

## B. SANCTIONS

### 1. South Africa

Zimbabwe's citizens uniformly see South Africa as holding the key to change in their country. As one opposition leader articulated this view to ICG, "The most important pressure must come from South Africa. As long as President Mbeki defends ZANU-PF everywhere and [does] not threaten to use any economic leverage, nothing will change".<sup>93</sup>

South Africa's potential leverage to squeeze the ZANU-PF government economically, which has been discussed in previous ICG reporting,<sup>94</sup> is indeed extensive. Nevertheless, although Mbeki has come under some criticism at home,<sup>95</sup> it is unrealistic to expect South Africa to utilise this leverage unless the situation deteriorates much further and becomes more directly threatening to stability within its own borders. It is unlikely, therefore, to be used to re-launch party-to-party talks in Harare in the coming weeks though the following are examples of actions that might possibly be considered if negotiations do not resume and public order deteriorates gravely:

- the parastatal Eskom could cut off electricity to Zimbabwe;

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<sup>92</sup> Libya reportedly supplies over half of Zimbabwe's fuel needs in exchange for land and equity in key state enterprises. During an April 2002 trip to Libya, Mugabe was said to have been rebuffed in his effort to secure an extension of the deal because of Zimbabwe's non-performance. *Southscan*, Vol. 17, No. 8, 19 April 2002.

<sup>93</sup> ICG interview, 19 April 2002.

<sup>94</sup> See ICG Briefing, *Zimbabwe: The Stakes for Southern Africa*, op. cit., and ICG Report, *All Bark and No Bite?*, op. cit.

<sup>95</sup> The South African parliament has questioned the effectiveness of his "quiet diplomacy", his refusal to use economic sanctions against Zimbabwe, and whether he is truly committed to the ideals of NEPAD. *Business Day* (Johannesburg), 28 May 2002.

- Amalgamated Banks of South Africa and other banks could refuse trade credits, in coordination with the South African government; and
- the government could interdict traffic at the Limpopo River border crossing.<sup>96</sup>

There are also private sector and non-governmental forms of pressure. “The three largest South African companies in Zimbabwe – Anglo American, South African Breweries, and Old Mutual Insurance – account for 40 per cent of the Gross Domestic Product of Zimbabwe”, said an influential South African non-governmental official. “The trade unions can stop all trade to Zimbabwe. The transport workers are all part of COSATU (Congress of South African Trade Unions). Union picket lines can stop traffic going across the border. COSATU did this in Swaziland three years ago, in response to the jailing of union leaders”.<sup>97</sup>

Some South African officials do believe their government should begin to employ some part of its considerable leverage now. One senior diplomat stated privately to ICG:

We must increase pressure on the governments. It is not possible for us to continue with only quiet diplomacy. From government to government, and party to party, we need to be firmer. South Africa has hard and soft options, and we always choose the soft ones. We cannot afford to use the soft options for too long.<sup>98</sup>

A South African labour official also questioned exclusive reliance on the soft options: “We understand what the government is trying to do with quiet diplomacy, but it is not successful. We prefer a more open statement of the problems and solutions”.<sup>99</sup>

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<sup>96</sup> Patrick Bond and M. Manyanya, *Zimbabwe's Plunge: Exhausted Nationalism, Neoliberalism, and the Struggle for Social Justice* (Pietermaritzburg, 2002).

<sup>97</sup> ICG interview in South Africa, 15 April 2002. One COSATU official said that if the Zimbabwe unions asked COSATU to help close the border, “We wouldn't totally rule such an action out if the situation called for it”. ICG interview in South Africa, 18 April 2002.

<sup>98</sup> ICG interview in South Africa, 16 April 2002.

<sup>99</sup> ICG interview in South Africa, April 2002.

But most South African officials do not believe that it would be constructive to employ harder options, particularly economic ones, at the current stage. As a South African analyst concluded, “South Africa doesn't have the political will to force a solution”.<sup>100</sup> That is likely to change only if South Africa concludes that its ultimate priority for Zimbabwe – stability – requires it to switch tactics from relatively even-handed facilitation of a political settlement to outright pressure on the ZANU-PF government.

## 2. The EU and U.S.

Western aid, except of a purely humanitarian kind, has long since virtually ceased flowing to Zimbabwe. There is little in the way of broad economic pressure (comprehensive economic sanctions) that Brussels and its member states or Washington would want to apply in the current situation since they properly wish to avoid causing additional pain to average citizens.

The possibility of using sanctions to influence events in Zimbabwe has, accordingly, centred around what are commonly called “smart” or “targeted” sanctions such as restrictions on travel of ZANU-PF leaders and other senior figures, the freezing of their bank accounts, and the revocation of study-abroad opportunities for their children. ICG has consistently recommended such measures for more than a year in the belief that they could potentially cause the important individuals affected to adopt more constructive policies either because of the inconvenience they were experiencing or because they would interpret their application as a sign that the states that had imposed them would continue to act resolutely. Unfortunately, the potential leverage represented by such sanctions was considerably dissipated because they were applied late – only just before the March 2002 election – and then inconsistently, inadequately and ineffectively.

The essential problem with EU and U.S. policies has been one of too much bark and too little bite.<sup>101</sup> South African officials interviewed by ICG were uniformly critical. A high-ranking diplomat said:

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<sup>100</sup> ICG interview in South Africa, 17 April 2002.

<sup>101</sup> See ICG Report *All Bark and No Bite?*, op cit.

They still haven't imposed a serious sanctions regime. When they talked of sanctions but then didn't impose a serious sanctions regime, they lost all credibility. They should have just imposed the sanctions and not talked so much. Now they are backtracking, saying it is not easy to impose financial sanctions. That is not a credible policy.<sup>102</sup>

His sentiments were mirrored by a senior ZANU-PF official:

What are these small efforts meant to achieve? If this is all they have, then there is no impact. If this is all the EU can do, then the Mugabe government will survive another six years. They clearly do not know what escalation is needed to bring about an election re-run.<sup>103</sup>

Zimbabwe civil society and opposition figures for the most part support targeted sanctions against ZANU-PF leadership but argue that they can have an effect only if they are wider, deeper and better enforced.<sup>104</sup> Since the March election, the EU has not expanded its list of targeted officials, despite a recommendation to do so by the European Parliament.<sup>105</sup> The U.S. has placed additional ZANU-PF officials and supporters on its travel sanctions list but it has not yet matched the EU by

freezing the assets of any official or businessman supporting the government.<sup>106</sup>

To give some bite to EU and U.S. measures quickly enough to affect decisions regarding the resumption of party-to-party negotiations in the next weeks, the EU and U.S. should make particular targets of directors and officials of the leading ZANU-PF-affiliated businesses that keep the party afloat and enrich its top officials at the country's expense. Over the longer-term, efforts to investigate and expose assets held by ZANU-PF officials in foreign countries should increase as a means of educating the Zimbabwean public about the degree to which the wealth of the country has been stolen.<sup>107</sup>

Another area Western governments could usefully explore with a view to putting further pressure on ZANU-PF, though probably not soon enough to influence the immediate task faced by the facilitators, involves Zimbabwe's exploitation of the Congo. As long as the ZANU-PF government has access to alternative financing, it will remain somewhat impervious to outside pressure. Minerals extracted from the Congo provide a significant source of revenue and personal enrichment for leaders. The recommendation made by the UN Panel of Experts on the Illegal Exploitation of Natural Resources in the Congo to apply sanctions to unlicensed mineral exports from the Congo should be implemented. This is complicated, however, and its potential impact would be delayed, by the necessity for discussion within the framework of ongoing efforts at resolving the Congo conflict.

The preachy rhetoric that has accompanied Western sanctions policy has been less than successful and should be toned down. Tough language has only called attention to the quite weak nature of the actions taken. Some observers believe that it may have assisted ZANU-PF by

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<sup>102</sup> ICG interview in South Africa, 15 April 2002.

<sup>103</sup> ICG interview, 20 April 2002.

<sup>104</sup> A number of senior officials have travelled to Europe and the U.S. despite the imposition of visa sanctions. This cannot be avoided to some extent since the U.S., Switzerland, Austria, Italy and other states have obligations under their headquarters agreements with the United Nations to allow official travel for the purpose of conducting business at international organisations of which Zimbabwe is a member. As recently as the week of 10 June 2002, for example, President Mugabe was able to take advantage of this to attend a conference of the UN Food and Agricultural Organisation (FAO) in Rome. However, since the March election, Police Commissioner Augustine Chihuri travelled to France and Environment and Tourism Minister Francis Nhema visited Las Vegas in the U.S. The movements of President Mugabe and numerous cabinet officials were not restricted during their visits to New York.

<sup>105</sup> The European Parliament called for the EU to act more robustly, "rejecting the legitimacy of the Mugabe regime" and specifically to widen the targeted sanctions regime. European Parliament Release, 16 May 2002.

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<sup>106</sup> New Zealand has indicated it will act in concert with the EU and the U.S.

<sup>107</sup> As argued by ICG in earlier reports, both the EU and U.S. could increase the impact of their targeted sanctions by requiring the children of listed officials who are studying abroad to return home. Also, The U.S. banned export licenses for defence articles in mid-April 2002, an action called for by ICG since mid-2001. Any other governments that have these kinds of commercial relationships should follow suit.

allowing it to play on anti-colonialist feelings. "Their tactics may have even influenced Zimbabwean voters to rally round Mugabe", claimed one South African official. "When the British started screaming, all doors were closed".<sup>108</sup> A South African academic agreed, "Blair's preaching about the merits of democracy is counter-productive. It is very insulting for him to tell the Zimbabweans to read the democracy textbook".<sup>109</sup>

### C. NEPAD

Most African nations hope that the 26-27 June 2002 G-8 Summit will agree to endorse NEPAD – the New Partnership for Africa's Development. That initiative, in which South Africa and Nigeria, the two facilitator states for the Zimbabwe crisis, have taken a leading role, has a target of bringing U.S.\$64 billion annually in trade and investment to the continent.<sup>110</sup> The idea that African states would exert peer pressure on their own backsliders in order both to obviate heavy-handed Western conditionality and to assure developed countries that Africa was ready and safe for major investment has been part of the NEPAD concept from the beginning.

ICG has argued that the Zimbabwe crisis is an appropriate opportunity for Africa to show it is indeed prepared to put NEPAD principles into practice, and that Western nations should hold back their final agreement to the partnership until it applies serious pressure on the ZANU-PF government to re-establish the rule of law.<sup>111</sup> At various times, the UK, U.S., Canada and others have indicated they would condition further progress on NEPAD in this manner. As already

indicated, however, all concerned now seem increasingly interested in insulating NEPAD from Zimbabwe's crisis rather than using it as a powerful tool with which to resolve that crisis.<sup>112</sup>

It was initially anticipated that the G-8 would need to include a major discussion of Zimbabwe under the NEPAD item on its agenda. However, the desire to make progress on their anti-poverty initiative has apparently caused the leading developed countries to become more sympathetic to an African argument that a good faith effort to uphold democracy in Zimbabwe pursuant to NEPAD requires only that the country be deprived of partnership benefits. This, it is said, is being done. But, "Don't hold NEPAD hostage to what one country might do",<sup>113</sup> and "You can't eat before something is fully cooked. It is too early to put all this weight on NEPAD".<sup>114</sup>

Canada's High Commissioner to South Africa, Lucie Edwards, apparently agrees, arguing that peer review as a mechanism was not yet in place when Zimbabwe held its presidential election, so it needs to be given a chance to develop. Nevertheless, she said, the leading roles played by Presidents Mbeki and Obasanjo in the Commonwealth suspension decision represented "NEPAD passing its first test", and a "sign of real political will to apply principles of good governance within the region".<sup>115</sup>

In a speech widely cited as signalling a similar policy reversal, U.S. Assistant Secretary of State for African Affairs Walter Kansteiner said the Commonwealth's suspension of Zimbabwe "was very important and sent some strong signals, and there was a real sense that NEPAD principles were behind that decision". Many interpreted this as a sign that Washington considered African states which had made the Commonwealth decision possible, in particular South Africa and Nigeria,

<sup>108</sup> ICG interview in South Africa, 15 April 2002.

<sup>109</sup> ICG interview in South Africa, 15 April 2002. Another South African official added, "There is no way the Zimbabwean people would believe that their former coloniser could be their liberator". ICG interview in South Africa, 16 April 2002.

<sup>110</sup> NEPAD is the culmination of years of planning but was crafted in 2001 around the concept of a Millennium Action Plan for Africa by Mbeki, Obasanjo, Algeria's President Bouteflika, Senegal's President Wade, and others, who want it to become the key element for the continent's full integration into the world economy. Virtually all African countries will participate, although many structural and procedural issues are still to be resolved.

<sup>111</sup> See ICG Report, *Zimbabwe at the Crossroads*, op cit.

<sup>112</sup> See Section II above.

<sup>113</sup> ICG interview with a senior African leader, April 2002.

<sup>114</sup> ICG interview with a high-ranking Nigerian official, 26 April 2002.

<sup>115</sup> *The Zimbabwe Independent*, 17 May 2002. The paper concluded, "The Canadian statement this week signalled that collective self-deception about peer review has become the official line. Zimbabwe as a topic will be quarantined so its contagion does not infect the NEPAD process. The West wants an African success story and NEPAD, they hope, is it".



had thereby done at least the minimum to permit NEPAD to move forward. Some Washington officials, however, say that no such decision has been made, and that the peer pressure component will continue to weigh heavily in U.S. calculations.<sup>116</sup>

It would be a mistake for all concerned to allow the nexus between the Zimbabwe case and NEPAD to be broken, or at least attenuated, so easily. It is crucial that a core element of any partnership envisioned between Africa and the international community include some measure of wider accountability for how the continent responds to the deterioration in any one country. South Africa and other regional states do have the greatest leverage to influence ZANU-PF. If they do not use it effectively, donor nations and private investors will eventually revert to more traditional forms of strict conditionality, leaving NEPAD as merely one more failed African development initiative.

The debate should be surfaced and dealt with frontally at the G-8 later this month when the timing would be fortuitous for producing an effect in Harare where ZANU-PF, the MDC and the South African and Nigerian facilitators all face crucial decisions about whether and how to proceed with the party-to-party negotiations. As a leader of civil society told ICG:

More emphasis must be put on whether African leaders are willing to support democracy or not. NEPAD remains the key lever. If you abandon this basic condition, you abandon people like us all over the continent.<sup>117</sup>

#### D. LAND REFORM ASSISTANCE

Racial disparities in land tenure remain a fundamental issue in Zimbabwe. Ultimately, any solution to the country's crisis must have a transparent and credible land reform program as a component. In light of the historical baggage of the colonial era as well as economic realities, the UK

and other Western donors, as well as Western dominated international financial institutions such as the World Bank, will have to take an important part in crafting and enabling that solution. Nevertheless, the issue provides little leverage to Zimbabwe's friends at this time because of the manner in which it has been politicised and abused by the ZANU-PF government. The ruling party gives every indication of not being truly interested in a fair solution, and the opposition considers that land reform, while significant, is only one (though highly emotional) element of a larger problem of rule-of-law and sensible economics.<sup>118</sup> In fact, the immediate requirement is defensive – for the British, their EU partners and others to take immediate action to defuse the issue so that historical land inequities can no longer be used to justify violence within Zimbabwe nor less than vigorous corrective action on the crisis by the country's neighbours.

The manner in which ZANU-PF has accelerated farm seizures since the March election demonstrates the cynicism with which it uses the issue. Top party officials (cabinet ministers, army officials and senior police) are prominently among those who take choice properties. They order the farmers, farm workers, and landless peasants to vacate the same properties they were encouraged to move on to in the two years prior to the election. Leading members of ZANU-PF, including the president's sister, Sabina Mugabe, who is also a member of Parliament, and his brother-in-law, Reward Marufu, have effectively put aside all pretence at "reform" and are now carving up the best commercial land for themselves.<sup>119</sup>

An independent Zimbabwe newspaper, in a major investigation, called this process a "massive land grab". While the government has stated that its

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<sup>116</sup> *Business Day*, 10 April 2002. U.S. officials argue that their position differs from that of the Canadians. "We support the ideals of NEPAD", said one, "but we will need to see how the mechanisms work". ICG interviews, 21 May 2002, June 2002.

<sup>117</sup> ICG interview, 20 April 2002.

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<sup>118</sup> Several surveys undertaken by reputable polling organizations during the past few years have consistently demonstrated that many more Zimbabweans want good jobs than land. In a poll, conducted by Probe and presented in May 2002 to the conference of Gallup International, land was not among the top seven priorities that respondents expected the government to fulfil.

<sup>119</sup> In Marondera, for example, a leading ZANU-PF official took over a farm in April 2002 and removed the landless peasants who had been resettled there before the election. When the peasants demanded an explanation, the district administrator told them, "That was random occupation, this is now land reorganisation". ICG interviews, May 2002.

objective is to resettle one million landless peasants, the major corruption has completely undermined whatever genuine intentions it might once have had.<sup>120</sup> A move by Western countries or institutions on land reform, in other words, would not be likely in itself to influence ZANU-PF at this time.

Such a move is needed, nevertheless, both to counter the government's inflammatory domestic rhetoric and, tactically more important, to improve the prospects of involving African states more decisively in the containment and ultimately resolution of the Zimbabwe crisis.

African leaders throughout the continent identify what they consider unfulfilled promises of Western assistance on land reform as a major reason for not condemning ZANU-PF's campaign of farm invasions, despite disapproval of the tactics. Equally, such views are behind much of their reluctance to push forcefully on the immediate problems of the March election and the party-to-party talks. They sympathise with the official Zimbabwe line that British, American and other pledges made around the Lancaster House negotiations that established the country's independence in 1980 were never fulfilled.<sup>121</sup> The small amounts of aid set aside for "willing seller, willing buyer" programs, they add, would never have changed ownership patterns, as in fact they

have not in South Africa.<sup>122</sup> Periodic international conferences have failed to bridge the gap. Though government and donors agreed in 1998 on a blueprint for reform, it was never implemented, and no donor resources were expended.<sup>123</sup> The Abuja Agreement appeared briefly in September 2001 to open promising perspectives before it was ignored by ZANU-PF in the run-up to the March 2002 election.<sup>124</sup>

Regardless of the truth of the conflicting claims about history, responsibility, performance and non-performance, the practical point is that the West needs to overcome a presumption among African states that hinders the kind of vigorous response the Zimbabwe crisis needs. The following comment to ICG by a high-ranking Nigerian official is symptomatic:

Land reform can and must be done in a sensible way. We must not shake the confidence of investors in South Africa and elsewhere. The British should be prepared to provide real resources for land reform. The issue of land and British promises has become personal with Mugabe, and people's interests have become marginalized. Why is the issue of land reform set aside for later

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<sup>120</sup> *Financial Gazette*, 18 April 2002.

<sup>121</sup> Donors have provided hundreds of millions of U.S. dollars to the agricultural sector, including technical assistance on land reform, but not the full package of aid for land redistribution because they consider Zimbabwe's government has never lived up to its end of the bargain by creating a credible transfer program. The U.S. argues that it never committed at Lancaster House to provide funds for the purchase of land. The UK withdrew its support because its funds were not being used for "poverty alleviation". "The real issue, though, is that the political will for land reform never existed", a long-time observer in Zimbabwe said. "ZANU-PF didn't want land reform, they wanted a campaign tactic and they were busy becoming fat cats. The farm owners found it easier to deny the problem or pay off party functionaries, and only too late realised they had a structural problem that needed to be addressed". ICG interview, 14 May 2002. A Zimbabwean journalist added, "Mugabe is using land to remain in power. That's his only remaining trump card. He is the biggest obstacle to a proper land reform process. His current initiative is in fact creating poverty". ICG interview, May 2002.

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<sup>122</sup> This issue, and the resulting policy debate, will become increasingly important in South Africa and should be closely monitored.

<sup>123</sup> A handful of donors and the World Bank did commit resources to a technical support unit, but later suspended and then terminated the assistance because none of the conditions for disbursement were met. "After a year we all gave up because we came to realise that land was not the issue", recalled a donor government aid official. ICG interview, May 2002.

<sup>124</sup> The Abuja Agreement was reached with Zimbabwe on 6-7 September 2001 by a special delegation of the foreign ministers of Britain, Kenya, South Africa, Jamaica, Canada, Nigeria, and a senior representative of Australia. It established a *quid pro quo* between Zimbabwe and Britain, in which the former agreed to end farm invasions and violence on occupied farms and implement land reform in a gradual, fair, and transparent manner. In return, the UK agreed to make substantial funds available to Zimbabwe to compensate displaced farmers and finance infrastructure in the resettled areas. While the elements of this deal were not new, many in the international community were optimistic about its implementation. For a discussion of the agreement and how the basis for this optimism was quickly destroyed, see ICG Briefing, *Zimbabwe: Time for International Action*, op cit.

and the world only focuses on the elections?  
Both must be addressed.<sup>125</sup>

Western states, but particularly the UK, should in the next few weeks:

- restate their fundamental commitment to contributing their share to facilitating land reform within a rule-of-law context and as part of an overall settlement of Zimbabwe's crisis;
- encourage Nigeria and the Commonwealth to reactivate the Abuja process, including the call for a Ministerial level conference to convene within a month to examine simultaneously implementation of the commitments made by all concerned in the original agreement; and
- express readiness to draw additional donors and international financial institutions into technical consultations on preparation of a strategy for implementing the land component of the reform package that ultimately should emerge from the party-to-party talks between ZANU-PF and the MDC.

Again, these measures cannot be expected to impress either side in the Zimbabwe dispute much at present, but they should position Western states better to press the country's African neighbours to put full efforts behind getting the party-to-party talks moving again and bringing them to timely results.

## E. OTHER ASSISTANCE

Zimbabwe's Western friends and international financial institutions would gain little to no leverage with the ZANU-PF government by offering to provide significant development assistance and debt relief as a sweetener for a fair deal in the party-to-party talks. A senior diplomat asked ICG rhetorically, "How can that work? There is no indication that the party leadership cares about the economy or the welfare of the Zimbabwean citizenry".<sup>126</sup>

More productive would be for the EU, U.S. and other donors to concentrate assistance at the present time on:

- strengthening linkages between independent trade unions, other civil society actors and the political opposition;
- providing institutional support to civil society organisations;
- working with parliamentarians, including willing members of ZANU-PF, to encourage a back-door dialogue about Zimbabwe's future;
- funding efforts to care for and shelter victims of violence (largely members of the opposition and civil society); and
- supporting training and income generation programs for rural youth in order to provide them alternatives to joining the militias of ZANU-PF and the war veterans that have been responsible for so much of the political and economic violence.

The main purpose of this assistance would be to strengthen democracy and democratic institutions and to help well-meaning groups and individuals within the society, including some free thinkers within the government party, to develop cooperative strategies that can be important for moving Zimbabwe forward over the middle and longer term. The immediate goal, however, would be to increase leverage with which to persuade the MDC and civil society that they can afford to give negotiations with ZANU-PF every opportunity to succeed because they have solid prospect of such on-going assistance. It will be important, therefore, for donors to move forward quickly on this kind of aid program in the next few weeks while decisions are being made about fundamental tactics by those citizens who most recognise the need for change in their country.

<sup>125</sup> ICG interview, April 2002.

<sup>126</sup> ICG interview, 21 April 2002.

## VI. CONCLUSION

Since President Mugabe and his ZANU-PF party stole the presidential election in March 2002, Zimbabwe's situation has become progressively worse. There is further violence against the political opposition, greater repression of the media, increasing economic desperation, and, most dangerous of all, less patience that constructive change can come through normal political channels. ZANU-PF has walked away from the party-to-party negotiations that South Africa and Nigeria were seeking to facilitate as a way of building down the crisis. The MDC's leadership is saying that it may soon turn to the kind of mass public protests that will, with virtual certainty, produce a savage response from the government. These are signs that there may only be weeks left before the confrontation takes on much sharper edges and perhaps becomes a deadly civil conflict that can destabilise much of Southern Africa.

Zimbabwe's friends, beginning with its immediate neighbours, but extending throughout the continent and to the powerful states of the European Union and the U.S., need to use the political and economic tools at their disposal – persuasion, pressures, and inducements – and focus them narrowly to reverse the direction events are taking. Specifically, they need to get ZANU-PF and the MDC away from the streets, back to the table, and into serious negotiations about how to restructure the political system and produce new elections

under suitable guarantees and within a reasonable time period.

The tools are those that have been available as the crisis has developed over the past two years. Their use until now has been hesitant and inconsistent, always too late, too little or both. The reasons for this international failure are many, from insufficient attention spans, through gullibility, especially with respect to the promises of the ZANU-PF government, to reluctance of fellow Africans to question too closely the means and methods of President Mugabe, a hero of the continent's independence struggle. Even now it is unrealistic to expect that South Africa, which must provide the core of any workable international strategy, will use the full extent of its economic leverage, which it possesses in greater measure than any other state, before the Zimbabwe crisis impacts more severely at home.

There is no guarantee that concentration upon resuscitating the party-to-party negotiation track with greater energy and assertiveness, in the first instance by South Africa and Nigeria, then by a widening circle of helping states in Africa and beyond, can succeed. But it requires quick best efforts because the time span within which outside assistance can make a difference before more drastic scenarios will have to be considered, in circumstances of increasing difficulty, is dramatically shortening.

**Johannesburg/Brussels, 14 June 2002**

## APPENDIX A

### MAP OF ZIMBABWE



Base 505386 (544636) 10-82

## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices with analysts working in nearly 30 crisis-affected countries and territories and across four continents.

In *Africa*, those locations include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan and Afghanistan; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, Algeria and the whole region from Egypt to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom.

Foundation and private sector donors include The Ansary Foundation, The Atlantic Philanthropies, Bill and Melinda Gates Foundation, Carnegie Corporation of New York, Charles Stewart Mott Foundation, Ford Foundation, John D. and Catherine T. MacArthur Foundation, John Merck Fund, Open Society Institute, Ploughshares Fund, Ruben and Elisabeth Rausing Trust, Sasakawa Peace Foundation, and William and Flora Hewlett Foundation.

June 2002

## APPENDIX C

## ICG REPORTS AND COMMON FILES

## AFRICA

## A. ALGERIA

*The Algerian Crisis: Not Over Yet*, Africa Report N°24, 20 October 2000 (also available in French)

*The Civil Concord: A Peace Initiative Wasted*, Africa Report N°31, 9 July 2001 (also available in French)

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