

Negotiating Zimbabwe's Transition

I. OVERVIEW

The 29 March 2008 elections have dramatically changed Zimbabwe's political landscape. For the first time since independence in 1980, Robert Mugabe ran second in the presidential voting, and the opposition – the Movement for Democratic Change (MDC) – won control of parliament. The MDC went to the polls deeply divided, but Morgan Tsvangirai and his party regained their authority by winning despite an uneven playing field. Instead of allowing democracy to run its course, Mugabe has fought back by withholding the presidential results for five weeks and launching a countrywide crackdown. Zimbabwe is in constitutional limbo: it has no elected president or legally constituted cabinet, parliament has not been convened, and ZANU-PF and the MDC are challenging half the parliamentary results in court. African leaders, with support from the wider international community, must step in to stop the violence and resolve the deepening political crisis, ideally by facilitating an agreement establishing an MDC-led transitional government that avoids the need for the run-off now scheduled for 27 June.

While there is wide agreement in ZANU-PF that its survival now depends on Mugabe's immediate exit, influential hardliners in the party and military will not simply hand over power to the MDC. They and Mugabe likely manipulated the presidential results to show a run-off was necessary and have put in place a strategy to retain power through force. Since the elections, there has been a sharp increase in state-sponsored violence, as the security services and ZANU-PF militia have unleashed a campaign of intimidation, torture and murder against opposition activists, journalists, polling agents, public servants, civic leaders and ordinary citizens suspected of voting for the MDC. The opposition says that at least 43 of its members have been killed and thousands displaced in the violence. Zimbabwe's transition to democracy is being held hostage.

If Mugabe manages to cling to the presidency through political repression and manipulation, he will face a hostile parliament, growing public discontent, mounting international pressure and increased isolation. The consequences of his staying in office would be catastrophic, not least that the economic decline would in-

intensify, with more Zimbabweans fleeing across borders, while inflation, unemployment and the resulting massive suffering increase.

There has been a chorus of condemnation from Western leaders and international and African civil society over the withholding of the results and the rising violence. The UN Security Council discussed Zimbabwe, while the African Union (AU) and Southern African Development Community (SADC) called for release of the results and criticised the violence. However, South Africa's President Thabo Mbeki has continued to shield Mugabe, not backing away from his 12 April statement that there was no crisis in the country. Other African leaders, led by SADC Chairman Levy Mwanawasa and AU Chairman Jikaya Kikwete, seem prepared to take a more robust line. Since the impact of outspoken, Western-driven diplomacy is likely to be limited, African-led mediation, with concerted, wider international backing, gives the best chance for a peaceful and definitive resolution to the crisis.

President Mbeki negotiated SADC-backed talks between ZANU-PF and the MDC through January 2008, and he remains the regionally appointed mediator. But his reluctance to criticise Mugabe or condemn the escalating violence has badly undermined his credibility, particularly in the eyes of the opposition. Further, his inability to turn a ZANU-PF/MDC agreement in September 2007 into a lasting accord to resolve the crisis casts doubts upon his effectiveness in the current environment. Nonetheless, South Africa cannot simply be sidelined. A formula is needed that broadens the South African-led SADC mediation, adding strong accountability and oversight measures.

That broadened mediation, supported by additional international actors, should focus on two immediate objectives, which are not mutually exclusive, as the end objective of each should be some form of government of national unity, under MDC leadership:

- **A negotiated settlement on a Tsvangirai-led transitional government.** The current levels of violence and intimidation preclude the possibility of holding a credible run-off. The holding of a run-off by the Mugabe camp is a ploy to stay in power, and it is highly unlikely that Mugabe would accept

the conditions for a free and fair run-off in which he would be humiliatingly defeated. As ZANU-PF prepares for a second election, violence is likely to escalate, prolonging the suffering of Zimbabwe's people. For this reason, the first objective of the mediation should be to secure a political agreement between the MDC and ZANU-PF that avoids the need for a run-off and the accompanying risks of even greater violence. A negotiated settlement could establish a Tsvangirai-led transitional government with substantial participation by ZANU-PF stalwarts to implement agreed upon constitutional reforms and hold free and fair elections under an agreed timeframe.

Senior military commanders strongly opposed to the MDC have been instrumental in preventing a democratic transition following the 29 March election, and there is growing risk of a coup either before a run-off (in a pre-emptive move to deny Tsvangirai victory) or after a Tsvangirai win. Indeed, this is one reason why priority should be given to a negotiated settlement ahead of a run-off. The mediation must accordingly address the loyalty of the security services as a priority, including the handover of military power in a transitional government arrangement.

Zimbabwe will need a transitional justice mechanism at some stage to come to terms fully with and move beyond its long nightmare. Both national reconciliation and the practical necessities of pulling the country out of its immediate crisis require, however, that the agreement on a transitional government contain guarantees for present political leaders and the security forces. These would extend to Mugabe himself, but it is difficult to see him having any formal role in the new political dispensation. The agreement will need to be complemented by the regional and wider international community's strong commitment to provide resources for reconstruction and recovery.

□ **A credible run-off.** Even as it works to facilitate a negotiated settlement on a transitional government, SADC mediators must work with ZANU-PF and the MDC to delineate the basic requirements for a credible run-off in the event the effort fails. Urgent steps would be needed to guarantee a free and fair vote – even one in conditions as imperfect as for the 29 March election. These include immediate cessation of violence and intimidation; strong monitoring and organisational roles for SADC, the AU and the UN; and massive deployment no later than roughly a month before the poll of independent national and international observers, who must remain on the ground until the results are announced. As with negotiations for a transitional government, the mediation would need to address

the modalities for ensuring military loyalty to a new civilian government. Failure to do so would risk a Tsvangirai victory leading to a military coup or martial law, and the security services splitting along factional lines.

On 16 May, the Zimbabwe Electoral Commission (ZEC) announced that the run-off will take place on 27 June. This means that the AU and SADC must start preparing immediately to dispatch large election observation missions by no later than 1 June.

In the event that a run-off is held and Tsvangirai wins, he should assume the presidency but move to form a unity government for at least the initial period of his term. While his party controls parliament, ZANU-PF has a near stranglehold over the security sector and state institutions and has a strong influence over economic and social life. Tsvangirai and the MDC will need to include ZANU-PF in their government if they are to govern effectively.

In short, with or without a run-off, third-party African-led negotiations are essential to help gain acceptance from the military for a handover of power and establish the parameters for a transitional or unity government. Some MDC supporters may consider the compromises involved an affront to democracy, but they are necessary if the country's democracy is to be stable and secure.

If Mugabe succeeds in retaining power by winning an election through fraud and/or intimidation, appropriate regional and other international action must be taken to deal with what would be a rogue regime. Examples of such action would be declaring his government illegitimate; tightening existing targeted sanctions on known hardliners; and establishing a Security Council commission of inquiry to investigate reports of torture, murder and widespread violations of human rights and to recommend appropriate accountability mechanisms, perhaps including referral to international legal authorities.

II. THE ELECTORAL STALEMATE

Polling day itself was relatively peaceful and orderly. A critical improvement on past elections was the counting of ballots at the polling station where they were cast, with the results posted publicly outside. President Mbeki had succeeded at the last round of ZANU-PF/MDC talks in persuading the ruling party to accept this measure, which was probably the single

most significant achievement of an otherwise failed mediation process.¹

ZANU-PF underestimated the resilience of the opposition, the unpopularity of the regime, the impact of the economic collapse and the desperation for change. Until recently, the rural population – long supportive of the ruling party – was insulated to a degree because of its reliance on subsistence agriculture. But it is now also feeling the full effects of the food crisis and collapse in basic services. In the lead-up to the elections, the opposition was able to penetrate rural areas and capitalise on the shift away from ZANU-PF.² The regime also underestimated the integrity of the ZEC, which ran a relatively professional election,³ until Mugabe and his allies in the military moved with mixed success to hijack the process when they realised the extent of their electoral loss.

The parliamentary results slowly trickled out in the week after the elections.⁴ Four days after the polls, it was clear that ZANU-PF had suffered a historic defeat, losing control of parliament for the first time since independence in 1980.⁵ The final tally gave the combined opposition 109 seats (MDC-Tsvangirai 99 seats; MDC-Mutambara ten) against 97 for ZANU-PF; eighteen regime heavyweights lost their seats,⁶

while the MDC made unprecedented inroads into ZANU-PF's rural strongholds. The Senate results, released on 6 April, showed an even split between ZANU-PF and the combined opposition with 30 seats each.⁷ That the MDC is now the majority party in parliament thwarts Mugabe's apparent plan to organise his succession using Constitutional Amendment Eighteen, which provides for a new president to be chosen by a two-thirds majority of both houses should the incumbent resign, die, be impeached or become incapacitated in office.⁸

Opposition and independent estimates of the presidential results began circulating immediately after election day. The MDC initially announced it had won with a landslide 60 per cent of the vote, although the basis on which this number was calculated remains unclear. On 31 March, the Zimbabwe Electoral Support Network (ZESN), a leading independent local monitoring group, released its own projections, which put Tsvangirai ahead with 49.4 per cent of the vote against 41.8 per cent for Mugabe.⁹ Two days later the MDC declared it had won both the presidential and parliamentary elections, with Tsvangirai receiving 50.3 per cent, and thus narrowly avoiding a run-off, against 43.8 per cent for Mugabe.¹⁰

On 1 April, ZEC officials briefed Mugabe privately, telling him that he had lost the presidential vote outright.¹¹ Mugabe and his lieutenants were stunned at the extent of the anti-government vote, and the ZEC was instructed to withhold the results to give time for Mugabe and the competing factions within ZANU-PF and the security sector to decide on their next move. That instruction reflected intense disagreement within ZANU-PF and the security establishment over Mugabe's future. A group of moderates led by the two vice presidents, Joyce Mujuru and Joseph Msika, called privately for Mugabe to step down following a negotiated settlement, while a group of hardliners led

¹ For a detailed account of the South African-led mediated talks between ZANU-PF and the MDC, see Crisis Group Africa Report N°138, *Zimbabwe: Prospects from a Flawed Election*, 20 March 2008, pp. 2-8.

² Crisis Group interview, Eldred Masunungure, University of Zimbabwe political scientist, Harare, 2 May 2008.

³ It was widely anticipated that Zimbabwe's first combined presidential, parliamentary and local council elections would be characterised by chaos and confusion, with many urban citizens unable to cast their ballots because of long lines and too few polling stations. Many of these concerns proved unfounded. See Crisis Group Report, *Prospects from a Flawed Election*, op. cit., pp. 12-13.

⁴ The ZEC drip-fed the results in batches, carefully registering a ZANU-PF victory for every MDC victory.

⁵ "Mugabe's ZANU-PF loses majority", BBC News, 3 April 2008. The official parliamentary tally was announced on 3 April; a partial recount confirmed the MDC majority. Due to the deaths prior to the elections of three candidates standing for safe MDC constituencies, 207 seats were contested for the 210-member lower chamber.

⁶ Among those were Justice Minister Patrick Chinamasa, Agriculture Minister Joseph Made, Women's League leader Oppah Muchinguri, Energy Minister Mike Nyambuya, Mines Minister Amos Midzi, Public and Interactive Affairs Minister Chen Chimutengwende, Transport Minister Chris Mushowe, the longest-serving ZANU-PF politburo member, Kumbirai Kangai, and former chief of the Zimbabwe Defence Forces Vitalis Zvinvashe. See "Tsvangirai's Transient

Victory", *Africa Confidential*, vol. 49, no. 8 (11 April 2008), p. 2.

⁷ In the Senate elections, MDC-Tsvangirai won 24 seats, MDC-Mutambara six seats.

⁸ For details of Mugabe's succession plan, see Crisis Group Africa Report N°132, *Zimbabwe: A Regional Solution*, 18 September 2007, pp. 5-6.

⁹ "ZESN poll projections on March 29 presidential elections", ZESN press statement, 31 March 2008.

¹⁰ The MDC added that it would contest a run-off under protest "to finish the old man off". See Patricia Mpofu, "MDC declares victory in Zimbabwe elections", *ZimOnline*, 2 April 2008.

¹¹ Crisis Group interview, senior military official, Harare, 28 April 2008.

by Rural Housing Minister Emmerson Mnangagwa pushed Mugabe to go for broke.

As it became known that Mugabe had lost the election, intense back channel diplomacy took place between and within ZANU-PF, the MDC and the military, facilitated by individuals linked to ruling party renegade Simba Makoni and the Mujuru camp (which was behind Makoni's own failed presidential candidacy).¹² Realising that winning the election and securing power were two different matters, Tsvangirai put feelers out to powerful ZANU-PF figures with links to the military, including retired General Solomon Mujuru (husband of Joyce and leader of the Mujuru camp), who advised him to reach an agreement with Makoni, which he would support.¹³

On 2 April, Labour Minister Nicholas Goche, a lead negotiator in the South African-mediated ZANU-PF/MDC talks, met with the MDC leadership to discuss the need and modalities for establishing a government of national unity. During that exploratory meeting, discussions also centred on security guarantees for the ZANU-PF political and security leaderships.¹⁴ At the same time, Reserve Bank Governor Gideon Gono, a close Mugabe ally, sent a letter to the president arguing for a negotiated settlement in place of a run-off. Among the reasons listed against a run-off were: the huge cost, "at least" Z\$1,3 quadrillion (U.S.\$60 million); the logistical difficulties of organising one in the legally stipulated 21 days; the strong possibility that losing ZANU-PF candidates would switch allegiance to the opposition, making them unreliable in the campaign; and the "serious rifts among Zimbabweans" that a run-off would create.¹⁵

Gono's letter concluded that the "downsides of a re-run seem to [make] the optimal decision ... a more nation-building stance, one where both parties reach a middle of the road win-win strategy".¹⁶ The letter was

supported by elements in the military and ZANU-PF politburo, who knew Gono had Mugabe's ear. But Mnangagwa, who considers Gono a threat to his own presidential ambitions, persuaded Mugabe to ignore the advice.¹⁷ Some army generals sent an emissary, retired Colonel Tshinga Dube, to raise their concerns with Tsvangirai over the twin issues of personal security and land. The MDC leader gave his assurances that their security would be guaranteed, and there would be no reversal of the land allocation program.¹⁸

Some members of the Joint Operation Command (JOC), the powerful grouping of security chiefs, including Army Commander Phillip Sibanda and Intelligence Director General Happyton Bonyongwe, were prepared to accept a power-sharing arrangement that was headed by or included Tsvangirai under certain conditions. But a faction led by Defence Force Commander Constantine Chiwenga, Air Marshall Perence Shiri and Police Commissioner Augustine Chihuri fiercely resisted a Tsvangirai-led government. Their strong opposition to Tsvangirai is rooted in both history – he did not participate in the liberation struggle – and self-interested fear of prosecution.

ZANU-PF sources told Crisis Group Mugabe was initially ready to consider a government of national unity. But he shares the strong anti-Tsvangirai sentiment of influential senior military figures, and the hardliners were easily able to bring him to their side. At a critical meeting on the night of 2 April, a group led by Mnangagwa and supported by top securocrats Chiwenga and Chihuri convinced him to go for a run-off.¹⁹ They assured Mugabe they could guarantee a victory, arguing that if he negotiated before "winning" the second round, he would be doing so from a position of weakness.²⁰ Chiwenga reportedly signalled ominously to the president that he would take over if Mugabe was hesitant about a run-off – remarks that raised the still real possibility of military coup.²¹ For-

¹² Crisis Group interviews, senior ZANU-PF politburo members and MDC leadership, Harare, 3 May 2008.

¹³ Crisis Group interview, Harare, 2 May 2008. The meeting was facilitated by Farai Rwodzi, financial adviser to Vice President Joyce Mujuru.

¹⁴ The meeting was facilitated by Joe Mtizwa, an industrialist with close links to the Mujuru faction. Crisis Group interview, senior ZANU-PF politburo member, Harare, 2 May 2008.

¹⁵ Gono also argued that the "imperialist forces" bent on "destabilising Zimbabwe" will likely "smuggle all the help" to secure an opposition victory. Governor Gideon Gono, "Situational and options analysis", letter to President Mugabe dated 2 April 2008, copy in Crisis Group possession.

¹⁶ Gono likewise noted that because parliament, a "critical arm" of government, looked to be evenly split between ZANU-PF

and the MDC, it is "imperative that a more inclusive approach be adopted", *ibid.*

¹⁷ Crisis Group interview, senior military official, Harare, 2 May 2008.

¹⁸ Crisis Group interview, Ian Makone, adviser to Morgan Tsvangirai, Harare, 2 May 2008.

¹⁹ Crisis Group interview, senior ZANU-PF politburo member, Harare, 3 May 2008.

²⁰ A source privy to the discussions told Crisis Group: "Mnangagwa advised Mugabe that at the very least he should negotiate after winning a run-off, as he would be negotiating on his own terms as opposed to now when Tsvangirai had the upper-hand", Crisis Group interview, senior ZANU-PF politburo member, Harare, 30 April 2008.

²¹ Crisis Group interview, senior military official, Harare, 2 May 2008.

mer military commander Dumiso Dabengwa told Crisis Group:

A clique of powerful people within ZANU-PF convinced Mugabe to stay on, while a survival strategy anchored in terror is deployed countrywide. The country is now being run by a military junta.²²

A follow-up negotiation session had been scheduled for 3 April between the MDC leadership and ZANU-PF's Patrick Chinamasa, the justice minister, who had been the other lead negotiator in the South African-mediated talks, but it never materialised because Mugabe had been persuaded by the Mnangagwa clique to fight a run-off.²³ On 4 April, the party's politburo formally decided Mugabe would contest a run-off, ending any remaining hope he would concede outright.²⁴

As the Mugabe-Mnangagwa strategy was put in place, state-sponsored violence dramatically escalated and an already catastrophic humanitarian situation deteriorated.²⁵ The state apparatus, from senior security officials down to chiefs and village elders, was mobilised to exact revenge on MDC supporters for the electoral debacle. Together with the political crackdown, Mugabe sought to manipulate the ZEC and the electoral process. But the intense factionalism and split loyalties within ZANU-PF have been replicated in state institutions, including the ZEC, limiting Mugabe's influence. Some ZEC officials aligned to the Mujuru wing of ZANU-PF fed results to the MDC leadership before they were announced.²⁶

ZEC officials refused to produce a result showing Mugabe either as outright winner or leader in the first round, though they could not resist pressure to delay the announcement of the results as ZANU-PF hawks manoeuvred.²⁷ The ruling party forced a recount of the presidential and parliamentary vote in 23 constituencies, but these confirmed the MDC majority in parliament. A ZANU-PF insider told Crisis Group:

²² Crisis Group telephone interview, Dumiso Dabengwa, 14 May 2008.

²³ Crisis Group interview, senior ZANU-PF politburo member, Harare, 3 May 2008.

²⁴ Cris Chinaka, "Party backs Mugabe to contest poll run-off", Reuters, 4 April 2008.

²⁵ Prices have further sky-rocketed following the 29 March polls: before them, bread cost Z\$15 million; it now costs Z\$200 million, equivalent to one U.S. dollar; fuel has doubled; and cash is again in short supply. See Nelson Banya, "As prices soar, Zimbabwe hopes for end to turmoil", *Mail and Guardian*, 13 May 2008.

²⁶ Crisis Group interview, Harare, 27 April 2008.

²⁷ Crisis Group interview, senior military official, Harare, 1 May 2008.

"The ZEC election officials themselves represented different interests, and to a large extent it was difficult to manipulate the vote and manage the release of the results, particularly the presidential result, until the military took over the whole process".²⁸ ZANU-PF and the MDC have since lodged petitions with the electoral court, challenging the parliamentary results in 53 and 52 constituencies respectively. If the rulings, which must be made within six months, favour ZANU-PF, it could regain control of parliament.²⁹

The MDC first sought a court order to release the presidential results. On 14 April, after numerous delays, the High Court rejected its application.³⁰ With the legal route blocked, the MDC called the next day for an indefinite work boycott to put pressure on ZEC to release the results. But against a backdrop of mass unemployment and widespread fear of the security services, the strike predictably failed.³¹

After an unprecedented five-week delay and amid mounting regional and other international pressure, ZEC finally announced on 2 May that Tsvangirai received 47.9 per cent to 43.2 per cent for Mugabe, necessitating a run-off. While the official results tallied closely with the independent ZESN estimates, the delay in their release casts serious doubts over their credibility. On 16 May, after yet another delay, the ZEC announced that the run-off would take place on 27 June.³²

III. PARTY STRATEGIES

A. ZANU-PF'S VIOLENT FIGHT-BACK

The election results threw ZANU-PF into turmoil. The party leadership was aware that the country's economic crisis would make for a tight contest, but it did not expect the MDC to do so well in its rural strongholds and the scale of its subsequent defeat.

²⁸ Crisis Group interview, senior ZANU-PF politburo member, Mutare, 2 May 2008.

²⁹ Nelson Banya, "Zimbabwe parties challenge parliamentary results", Reuters, 7 May 2008.

³⁰ Angus Shaw, "Zimbabwe: Court denies election appeal", Associated Press, 14 April 2008.

³¹ MacDonald Dzirutwe, "Zimbabwe strike flops, concern in S.Africa", Reuters, 15 April 2008.

³² Under the electoral law, the run-off was due to take place 21 days after announcement of the presidential results, but the government issued an emergency law allowing 90 days to organise a new poll. "Zimbabwe names date for run-off", BBC News, 16 May 2008.

While the Mujuru-led camp pushed for a negotiated settlement with the MDC, Mnangagwa and his hardliners had a vested interest in preventing it. That the immediate post-election discussions on a transitional government were facilitated by individuals close to Simba Makoni and the Mujuru camp meant they would have a strong presence in any resulting power-sharing arrangement. Mnangagwa's political future depended on convincing Mugabe to stay and fight. The president and his minister reached a deal in which Mnangagwa³³ is to spearhead Mugabe's run-off campaign in exchange for being appointed a vice president and eventually taking over the presidency.³⁴

The military, youth militia and "war veterans" led by Jabulani Sibanda, a close Mnangagwa ally, have been deployed to rural areas countrywide to execute the strategy and run a network of illegal detention centres.³⁵ A campaign of voter intimidation has been launched, called Operation Makavhoterapapi (Where did you put your cross?).³⁶ Its aim appears to be to punish those who supported the MDC on 29 March and intimidate them to vote for ZANU-PF in the run-off.³⁷ The strategy is also designed to dismantle MDC structures by targeting party leaders and mid-level activists across the country. On 25 April, heavily armed riot police raided MDC headquarters in Harare, arresting some 100 party officials and removing hundreds of ordinary people who had taken shelter there.³⁸ At around the same time, the authorities raided ZESN offices, removing files and computers.³⁹

Political activists, journalists, union leaders, polling agents, teachers, doctors and ordinary citizens have been arrested and beaten, and, the MDC says, some 43

opposition supporters have been murdered.⁴⁰ Thousands have been displaced after fleeing rural violence;⁴¹ if they do not return to their registered addresses, they will be denied the opportunity to cast their ballots in the run-off. As of 9 May, the Zimbabwe Association of Doctors for Human Rights (ZADHR) had documented 900 incidents of violence and torture including against women and children – a figure that it said was likely a gross underestimation. It noted that "the level of brutality and callousness exhibited by the perpetrators is unprecedented, and the vicious and cowardly attacks by so-called war veterans on women, children and the elderly shames the memory of all true heroes of the liberation struggle".⁴²

Six retired South African generals carried out a fact-finding mission requested by the South African government between 2 May and 10 May. They are believed to have concluded there are "shocking levels" of state-sponsored violence.⁴³ A South African intelligence official who accompanied the generals confirmed to Crisis Group that the delegation had been disturbed by the brutality it found.⁴⁴ While reports have also emerged of MDC retaliatory attacks, the violence remains overwhelmingly state sponsored.

Beyond the immediate retention of power through as much violence and repression as that requires, the hardliners appear to have no political strategy or plan, whether medium- or long-term, for governing the country.⁴⁵ With the 29 March election, Mugabe was looking for legitimacy in the face of a collapsing economy and international isolation. Instead, it has seriously, probably irrevocably, damaged his authority. A senior ZANU-PF politburo member told Crisis Group,

³³ In an earlier capacity as state security minister in the 1980s, Mnangagwa led the first brigade during the massacres of the minority Ndebele population in Matabeleland and Midlands provinces.

³⁴ Crisis Group interview, senior military official, Harare, 2 May 2008.

³⁵ Crisis Group is in possession of a document indicating that 250 high-ranking army officers were dispatched on 7 April to the country's ten provinces.

³⁶ "Zimbabwe: ZANU-PF sets up 'torture camps'", Human Rights Watch statement, 19 April 2008, at http://hrw.org/english/docs/2008/04/19/zimbab18604_txt.htm. "Where did you put your cross?" is a reference to ballot marking.

³⁷ Reports have also emerged of the establishment of a network of illegal detention centres where suspected MDC supporters have been tortured, *ibid*.

³⁸ "Zimbabwe government bears down with raid on opposition headquarters", Voice of America, 25 April 2008.

³⁹ *Ibid*.

⁴⁰ Lance Guma, "MDC says 43 killed in worsening political violence", SW Radio, 19 May 2008.

⁴¹ Fanuel Jongwe, "More arrests in Zim as Tsvangirai prepares return", *Mail and Guardian*, 12 April 2008. Crisis Group telephone interview, MDC Secretary for Information and Publicity Nelson Chamisa, 7 May 2008.

⁴² ZADHR is concerned that many victims of the violence are not receiving treatment, in particular in remote rural areas. See "Statement concerning escalating cases of organised violence and torture, and of intimidation of medical personnel", 9 May 2008.

⁴³ Dumisani Muleya, "Zimbabwe violence 'shocks' SA generals", *Business Day*, 14 May 2008.

⁴⁴ Crisis Group interview, South African intelligence official, Pretoria, 17 May 2008. The generals did not attend the Mbeki-Mugabe talks on 9 May, but they met with the South African president for 90 minutes that day, after which Mbeki talked again with Mugabe and expressed concern about what the generals had told him. See below.

⁴⁵ "Zimbabwe: The ugly endgame", *Africa Confidential*, vol. 49, no. 8 (11 April 2008), p. 4.

“Mugabe wants to go down with the party. If only we had acted a long time ago to renew our leadership through consensus, we would not be subjecting ourselves to an ignominious exit from power”.⁴⁶

There is wide agreement among ZANU-PF officials that the party's chance of retaining power, if not its very survival, now depends on Mugabe's immediate exit and renewal of leadership. They see a transitional government of national unity as an opportunity to open up the political space for reorganisation of the party and eventually mount a fresh attempt to regain power. Even Mugabe's staunchest military allies want a change of guard: they envisage him staying in office for a maximum of six months, after which he would hand over to Mnangagwa.⁴⁷ The election crisis has meanwhile intensified divisions within the security services, raising the possibility that orders will not be uniformly obeyed, in particular by an increasingly disgruntled rank and file.

B. THE MDC'S OPTIONS

The MDC went to the polls bitterly divided, with an uncertain future and questions being asked about Tsvangirai's leadership.⁴⁸ Before the election, the power struggle within ZANU-PF looked like the decisive political dynamic. Post-election, Tsvangirai and the MDC have regained their authority by winning an unfree and unfair election – albeit one in which they benefited from a protest vote as much as active support – and the party's two factions have agreed to join forces in parliament under Tsvangirai's leadership.⁴⁹

Tsvangirai has downplayed his Western connections since 29 March and concentrated on building support from the region, meeting with leaders in Angola, Botswana, Mozambique, South Africa, Rwanda and Zambia. That he was invited for the first time to a SADC heads of state summit, in Lusaka on 12 April, was an acknowledgment that he must have a central role in settlement of the crisis.⁵⁰

Still, the MDC faces a brutal political crackdown, a ZANU-PF-controlled electoral structure and a compromised judiciary. It has also made tactical blunders. Anxious to pre-empt government rigging, it rushed to make a public declaration of victory. But those early claims, together with outspoken statements from the West, likely limited the party's room for manoeuvre. “The MDC pronouncements would have infuriated members of the security services and bolstered ZANU-PF hardliners, who could more forcefully argue Tsvangirai was engineering a civilian coup they must resist”.⁵¹ Inevitably, the government immediately rejected the MDC claims, and the “war veterans” denounced them as “provocation against us freedom fighters”.⁵²

In an effort to mobilise regional and wider international support and due to security concerns, Tsvangirai and MDC Secretary General Tendai Biti have spent much of the post-election period outside Zimbabwe. While understandable, this created a leadership vacuum, limiting the party's ability to respond effectively to post-election events and to galvanise and reassure its supporters. The call for an indefinite work boycott appeared ill-considered. The opposition has repeatedly been unable to mobilise effective mass action, and it should have anticipated that in the current economic and political climate, and with its leaders abroad, a strike was bound to fail.

The MDC public position on contesting a run-off has wavered. Tsvangirai initially indicated he would stand but “under protest”; he then signalled that his participation was contingent on invitations to international observers. But even in the increasingly hostile environment, it would have been difficult for Tsvangirai to justify boycotting a second round and so handing victory to Mugabe by default.

On 10 May, Tsvangirai announced that though he believed he had won an absolute majority on 29 March, he would contest the run-off to “knock-out the dictator for good”. He spelled out his key conditions, including: an immediate end to the violence; deployment of international election observers, including a SADC peacekeeping force; full access to the media; and reconstitution of the ZEC.⁵³ But Tsvangirai –

⁴⁶ Crisis Group interview, senior ZANU-PF politburo member, Harare, 29 April 2008.

⁴⁷ Crisis Group interview, senior military official, Harare, 3 May 2008.

⁴⁸ Despite months of negotiations, the MDC factions failed to agree on a joint electoral strategy. For an account of why the talks broke down and the implications, see Crisis Group Report, *Prospects from a Flawed Election*, op. cit., pp. 15-16.

⁴⁹ “Opposition reunites in Zimbabwe”, BBC news, 28 April 2008.

⁵⁰ Crisis Group interview, SADC diplomat, Pretoria, 15 May 2008. The SADC diplomat told Crisis Group that intelli-

gence information showing Tsvangirai had won an absolute majority had circulated among SADC heads of state.

⁵¹ Crisis Group telephone interview, Zimbabwean political analyst, 3 April 2008.

⁵² Allegra Stratton, “Zimbabwe election aftermath”, *The Guardian*, news blog, 4 April 2008.

⁵³ “MDC to contest run-off against Mugabe”, *Mail and Guardian*, 10 May 2008.

again somewhat less than deftly – later said that he would stand in a run-off even if only regional observers were present.⁵⁴ The MDC also pushed for the run-off to be held no later than 24 May (21 days after the announcement of the results, as required by the electoral law), while ZANU-PF sought to delay the vote for up to a year.

Tsvangirai held talks with a long-time Mugabe ally, Angola's President dos Santos, who is chair of the SADC security organ, to encourage the regional body to send peacekeepers. After the meeting, Tsvangirai told reporters that if he (Tsvangirai) won the election, Mugabe "would be granted an honourable exit as ... father of the nation".⁵⁵ The MDC has begun mobilising its support base in preparation for a run-off, but it has not been as free to hold campaign rallies as it was before the first round, due to police bans that are closing much-needed political space.⁵⁶

A senior MDC official told Crisis Group Tsvangirai believes that given the current levels of violence, a negotiated settlement on a transitional government to avoid the need for a run-off would be the best option for the country.⁵⁷ Both Makoni and former military commander Dumiso Dabengwa, who openly backed his presidential bid, have similarly told Crisis Group the best way to break the impasse is to establish an inclusive transitional government, thus avoiding a violent run-off, and for it to prepare fresh elections under an agreed timeframe.⁵⁸

Tsvangirai has indicated that he would be prepared to form a government of national unity that includes Makoni and moderate ZANU-PF officials. However, his relations with the ZANU-PF maverick soured during the SADC summit in Lusaka when Makoni, with support from Mbeki, put himself forward as a transitional leader ahead of Tsvangirai. The latter reacted angrily, saying that Makoni's poor electoral showing did not give him a mandate to lead a transitional gov-

ernment.⁵⁹ Efforts to reconcile the two have since made only limited progress, in part because Tsvangirai has been out of the country. On 9 May, however, a first meeting took place between Tsvangirai and Dabengwa in South Africa. The latter expressed his support for Tsvangirai – and by extension that of Makoni – in the event of a run-off, while also making clear his opinion that the parties should seek a negotiated settlement that avoids a run-off.⁶⁰

Dabengwa earlier told Crisis Group that "the winner of the 29 March elections is the leader with the mandate, and he must lead this formation. This leader can then choose a prime minister from the party that came second, which in this case is ZANU-PF". There is mounting pressure from the Mujuru camp for Tsvangirai and Makoni to reach a deal under which Makoni would occupy the newly created post of prime minister in the event Tsvangirai wins the presidency.⁶¹

IV. EXTERNAL ACTORS

A. SOUTH AFRICA

The response of the Southern Africa region to the election crisis has been mixed. South Africa's President Mbeki has been reluctant to break with his "quiet diplomacy" policy. Pretoria has refused to publicly criticise Mugabe or condemn escalating violence. To wide disbelief, Mbeki denied that Zimbabwe was in the throes of a crisis and urged patience.⁶² After meeting with Mugabe in Harare en route to the 12 April SADC summit, he told reporters, "it's a normal electoral process in Zimbabwe".⁶³ It was almost three weeks after the elections that a South African government spokesperson finally called for the prompt release of the results.⁶⁴ By then, Mbeki had lost critical credibility at home and abroad. That his arch-rival, Jacob Zuma, leader of the African National Congress (ANC), the ruling South African party, had already

⁵⁴ Caroline Drees, "Zimbabwe opposition says regional observers enough", Reuters, 13 May 2008.

⁵⁵ "Zimbabwe opposition seeks peacekeepers for run-off", Reuters, 11 May 2008.

⁵⁶ On 16 May, the High Court overturned a police ban on a rally by Tsvangirai planned for 18 May in Bulawayo. The rally took place but Tsvangirai was not present, having not yet returned to Zimbabwe. See Lizwe Sebatha, "Court orders Tsvangirai rally to go ahead", *The Zimbabwean*, 17 May 2008; and Tinotenda Kandi, "Zimbabwe police ban Tsvangirai rally", *ZimOnline*, 14 May 2008.

⁵⁷ Crisis Group interview, senior MDC official, 17 May 2008.

⁵⁸ Crisis Group interview, Simba Makoni, Harare, 30 April 2008; and Crisis Group telephone interview, Dumiso Dabengwa, 14 May 2008.

⁵⁹ Crisis Group interview, senior South African diplomat present at the Lusaka SADC summit, Pretoria, 7 May 2008.

⁶⁰ Crisis Group, senior MDC official, 17 May 2008.

⁶¹ Crisis Group interview, senior ZANU-PF politburo member linked to the Mujuru camp, Harare, 2 May 2008.

⁶² "Mbeki urges patience on Zimbabwe", BBC News, 12 April 2008.

⁶³ Lydia Polgreen and Celia W. Dugger, "Zimbabwe plight is 'normal', South African says", *International Herald Tribune*, 13 April 2008.

⁶⁴ "South Africa joins call for release of Zimbabwe election results", *International Herald Tribune*, 17 April 2008.

issued a series of tougher statements on Zimbabwe likely played a role in Pretoria hardening its position.

On 9 May, Mbeki met with Mugabe for three hours to discuss the conditions needed for a presidential run-off and floated the idea of a unity government. Mugabe said he would only be in a position to contemplate a unity government after a run-off.⁶⁵ Senior government officials in Pretoria have hinted, however, that the report by retired South African generals documenting political violence may press Mbeki to take a tougher line with Mugabe.⁶⁶ Indeed after being briefed by the generals, Mbeki sat down with Mugabe for a further half hour on 9 May to express his concerns about what the generals had told him.⁶⁷

But Mbeki is not a disinterested party. His ultimate objective for Zimbabwe has long been to secure a transition that produces a reformed ZANU-PF government, led by a moderate like Makoni and including only token opposition representation.⁶⁸ Mbeki's personal dislike for Tsvangirai and resistance to the MDC leader coming to power is widely known,⁶⁹ but he has sought to uphold the credibility of his mediation and maintain contact with the MDC by deploying his legal adviser, Monjaku Gumbi, to facilitate access via Tendai Biti.⁷⁰ Mbeki did not, however, meet with any MDC leaders on his recent trip to Harare.

In the post-election period, divisions have surfaced between the South African government and the Zuma-led ANC over Zimbabwe, with the latter taking a more robust line and showing more sympathy toward the opposition.⁷¹ While Mbeki has been equivocal and evasive, Zuma has cast himself as one of the most

outspoken leaders on Zimbabwe.⁷² He has described the situation as "unacceptable" and urged Africa to send a mission to the country.⁷³ During a trip to London, Zuma even joined with Gordon Brown in a call for an end to the stalemate – a move that would have been inconceivable coming from Mbeki, who has strongly resisted Western pressure to take a tougher stance.⁷⁴ Zuma is exploring the possibility of sending, through ANC structures, retired South African generals to Harare to counsel their counterparts on the need to promote progressive change and avoid undermining a peaceful transition.⁷⁵

The rift between the South African government and the ANC could potentially open up space for dialogue on Zimbabwe, though the ability of the non-government side of the ANC to influence foreign policy is questionable.⁷⁶ Moreover, Zuma has only broken with Mbeki to a point. He has condemned the violence but refused to criticise Mugabe and signalled support for Mbeki's continued role as mediator.⁷⁷ Nonetheless, the support that the Zuma-led ANC is lending to the MDC has further damaged the relationship between Mbeki and Tsvangirai.⁷⁸ On 17 April, Tsvangirai, who until then had been careful to show his support for Mbeki, called on the South African president to stand down as mediator and make way for a new initiative.⁷⁹ Currently, the two are barely on speaking terms. Tsvangirai has refused to take Mbeki's calls, accusing him of bias and using the South African mediation to protect Mugabe and ensure he retains power.

The South African leader had expected the elections to yield an outright victory for Mugabe and a ZANU-

⁶⁵ Crisis Group telephone interview, senior ZANU-PF politburo member, 12 May 2008; and Jameson Mombe, "Mbeki holds talks with Mugabe", *ZimOnline*, 10 May 2008.

⁶⁶ Crisis Group interview, South African intelligence officer who travelled with the retired generals' delegation. Muleya, "Zimbabwe violence 'shocks' SA generals", *op. cit.*

⁶⁷ Crisis Group interview, South African intelligence officer who travelled with the retired generals' delegation, 17 May 2008.

⁶⁸ Crisis Group interviews, senior ANC and government officials close to Mbeki, Pretoria, May 2008.

⁶⁹ Senior ANC officials close to the South African president have confirmed this dislike to Crisis Group in interviews, Pretoria, 11 May 2008.

⁷⁰ *Ibid.*

⁷¹ On 14 April 2008, the ANC national working committee said that while it regarded ZANU-PF as an ally, it was "concerned with the state of crisis [a term Mbeki has rejected] that Zimbabwe is in and perceives this as negative for the entire SADC region". It added that it would contact ZANU-PF and the MDC separately for party-to-party talks.

⁷² Prior to the elections, Zuma had emphasised continuity in Zimbabwe policy and accused Western countries of hindering the Mbeki-led mediation process. See Crisis Group Report, *Prospects from a Flawed Election*, *op. cit.*, p. 8.

⁷³ "Zuma says Zimbabwe situation not acceptable", *ZimOnline*, 23 April 2008.

⁷⁴ Cris Chinaka, "Zuma, Brown call for Zim election results", *Mail and Guardian*, 24 April 2008. But Zuma said UK calls for an arms embargo were premature, "Zuma: No arms embargo yet for Zim", *Mail and Guardian*, 24 April 2008.

⁷⁵ Crisis Group interview, ANC national executive member, 6 May 2008.

⁷⁶ Crisis Group telephone interview, Chris Maroleng, senior researcher at the South Africa Institute of Security Studies, 14 April 2008.

⁷⁷ "Zuma refuses to criticise Mugabe", BBC News, 23 April 2008.

⁷⁸ The South African government is closer to the breakaway wing of the MDC led by Arthur Mutambara. See Crisis Group Report, *A Regional Solution*, *op. cit.*, p. 13.

⁷⁹ "Tsvangirai calls on Mbeki to step aside", *The Guardian*, 17 April 2008.

PF parliamentary majority.⁸⁰ That would have facilitated Mbeki's plan to push for a ZANU-PF dominated government of national unity that sidelined Tsvangirai and allowed for Mugabe's gradual exit.⁸¹ This strategy, which had tacit backing from Angola, Namibia and the Democratic Republic of Congo, informed Pretoria's heavy political investment in the candidacy of Makoni, who was considered the ideal figure to lead a reform-minded ZANU-PF capable of securing international support. Makoni's poor showing in the polls – he came a distant third – scuttled Mbeki's plan and meant that his attempts at the Lusaka SADC summit to push Makoni forward as transitional leader had no traction.

B. THE AU AND SADC

The AU and SADC have shied away from any direct criticism of Mugabe but have applied increasing pressure as the election crisis has deepened. There is a growing consensus among a core group of SADC countries, centring around Botswana, Tanzania and Zambia, that Mugabe needs to go, a transitional government should replace the current regime, and, for this to happen, the South African mediation must be broadened.

While the communiqué of the Lusaka summit was muted,⁸² it was significant that Chairman Mwanawasa succeeded in convening an emergency session specifically on Zimbabwe and that Tsvangirai attended. However, the final statement concealed important differences between the regional leaders, with Mbeki and Angola's dos Santos resisting calls for a tougher line from Kikwete, Mwanawasa and Botswana's Ian Khama. Mugabe snubbed the summit, sending Mnangagwa in his place, and thereby avoided having to face any private pressure.

Another indication that Mugabe can no longer count on the automatic support of the region came when a Chinese ship loaded with weapons and ammunition for Zimbabwe was prevented from offloading its

cargo.⁸³ It first docked at Durban, where South African dock workers, backed by the country's powerful trade unions, refused to unload it.⁸⁴ Mwanawasa subsequently called publicly for regional states to bar the ship from entering their waters, as human rights activists, church groups and unions mobilised to prevent the arms from reaching Zimbabwe.⁸⁵ Significantly Mozambique and staunch Mugabe allies Angola and Namibia all declined to accept the ship; Luanda later allowed it to dock, but reportedly only to offload other cargo.⁸⁶

Recent weeks have seen intensified diplomatic activity from the AU and SADC aimed at breaking the electoral impasse, but these efforts have at times appeared ill-coordinated, with different actors carrying different messages. On 7 May, President dos Santos dispatched a SADC ministerial troika, led by his foreign minister, for shuttle diplomacy meetings with Mugabe in Harare, Mwanawasa in Lusaka and Mbeki in Pretoria.⁸⁷ The troika called on Zimbabwe's political parties to accept the election results and participate in a second round that should be held in a "secure environment". It also recommended that SADC send an observation mission to the run-off.⁸⁸

While the SADC troika was advocating participation in a run-off, a senior South African diplomat and election observer, Kingsley Mamabolo, said that the level of political violence precluded a run-off.⁸⁹ The newly appointed AU Commission Chair Jean Ping travelled to Harare to meet with Mugabe and ZEC Chair George Chiwashe. Following that mission and without waiting for the Zimbabwe government's invitation, the

⁸⁰ Mbeki had thought the MDC's divisions prior to the elections would prevent it from winning. Crisis Group interview, South African cabinet minister close to Mbeki, 7 May 2008.

⁸¹ Crisis Group interview, South African cabinet minister, Pretoria, 12 May 2008.

⁸² It called for the results to be released "expeditiously" and urged the government to ensure a run-off was held in "a secure environment". See "2008 First Extraordinary SADC Summit of Heads of State and Government", Lusaka, Zambia, 13 April 2008.

⁸³ The arms shipment was ordered from China before the elections crisis.

⁸⁴ Celia W. Dugger, "Zimbabwe arms shipped by China spark an uproar", *The New York Times*, 19 April 2008.

⁸⁵ "Zambia seeks to block arms for Zimbabwe", *The New York Times*, 22 April 2008.

⁸⁶ Lance Guma, "Angola: Country allows Chinese arms ship to dock, but not unload weapons", SW Radio, 28 April 2008.

⁸⁷ The troika included, in addition to Angola's foreign minister, João Miranda, Swaziland's foreign minister, Mathendele Dlamini, and Tanzania's deputy defence minister, Emmanuel Nchimbi, as well as the SADC executive secretary, Tomaz Salomão. Blessing Zulu, "Southern African leaders, diplomats step up efforts on Zimbabwe crisis", *Voice of America*, 8 May 2008.

⁸⁸ "Southern Africa: SADC troika calls on Zimbabwe parties to accept elections results", Angola Press Agency, 5 May 2008.

⁸⁹ "Violence precludes Zim run-off, says election observer", *Mail and Guardian*, 8 April 2008.

AU said that it would send a stronger observer mission to the run-off.⁹⁰

In public, the AU has been slow to react to the electoral crisis. As with South Africa, it was only some three weeks after the elections that it issued a statement calling for release of the results.⁹¹ Traditionally, the AU defers to regional conflict resolution mechanisms – in this case the SADC-mandated South African mediation – which partly explains its reluctance to take a more prominent public role. Behind the scenes, however, Kikwete has been active in considering options to broaden the mediation team in the country by means of a contact group.⁹²

An intense diplomatic wrangle is taking place between Mbeki and Kikwete over the composition of the mediation.⁹³ Sympathising with Tsvangirai's accusations that the Mbeki-led mediation has protected Mugabe's interests, Kikwete, Mwanawasa and Khama advocate an expanded mediation team. Kikwete has also pushed for more robust election observation and a stronger role for the UN, which Mbeki has strongly resisted.⁹⁴

C. THE BROADER INTERNATIONAL COMMUNITY

1. Western condemnation and promises

Since 29 March, there has been mounting pressure from the international community for release of the results, an end to the violence and, once the results were announced, conditions that guarantee a free and fair run-off. The U.S.,⁹⁵ UK,⁹⁶ European Union (EU)⁹⁷

and other Western actors have criticised the Mugabe regime, while at the same time there has been an outpouring of statements from African and other civil society and faith-based groups.⁹⁸ After visiting victims of violence at a Harare private hospital, U.S. and EU diplomats called on the government to end the politically motivated violence, which the U.S. ambassador described as "absolute brutality".⁹⁹ Western governments have expressed support for AU and SADC efforts to resolve the crisis, while urging them to do more.¹⁰⁰

The UK's Gordon Brown has been particularly vocal in denunciations of the Mugabe regime and has called for a global arms embargo on Zimbabwe.¹⁰¹ During a tour of the southern Africa region designed to put pressure on Mugabe, U.S. Assistant Secretary of State Jendayi Frazer told a press conference in Pretoria that Tsvangirai was the "clear victor" of the elections and "perhaps won outright".¹⁰² The effect of this outspoken public diplomacy has been mixed. Mugabe and the hardliners appear long since to have become immune to Western criticism, which they dismiss as part of a regime change agenda.

Western countries have combined censure of the current situation with promises of re-engagement if change comes. The Norwegian prime minister received a standing ovation at a SADC summit in Mauritius on 26 April, when he pledged a major reconstruction package from Nordic countries once democracy was restored.¹⁰³ The U.S., UK and EU have made similar

⁹⁰ Crisis Group interviews, SADC diplomats, Arusha, 6 May 2008.

⁹¹ Tsegaye Tadesse, "African Union urges release of Zimbabwe vote result", 20 April 2008.

⁹² Crisis Group interview, senior SADC diplomat, Pretoria, 7 May 2008.

⁹³ Ibid.

⁹⁴ Kikwete pushed for a UN-led fact-finding mission to be sent to Zimbabwe but Mbeki rejected this. Crisis Group interview, senior SADC diplomat, Pretoria, 7 May 2008.

⁹⁵ See for example Foster Klug, "Bush decries Mugabe's rule in Zimbabwe", Associated Press, 17 April 2008; and David Gollust, "Rice says Africa must step up on Zimbabwe election crisis", Voice of America, 17 April 2008.

⁹⁶ See for example, "Brown sends out warning to Mugabe", BBC News, 12 April 2008; and "Foreign Secretary Written Ministerial Statement on Zimbabwe", UK Foreign and Commonwealth Office, 21 April 2008, at www.fco.gov.uk/en/newsroom/latest-news/?view=News&id=3159962.

⁹⁷ A 4 April 2008 EU Presidency declaration called for the immediate release of the presidential election results. See "Declaration by the Presidency on behalf of the European

Union on Zimbabwe", 4 April 2008, at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/99758.pdf. A 16 April EU Presidency declaration expressed support for a 13 April SADC summit call for the release of the results and deep concern at the deteriorating human rights situation. "Declaration by the Presidency on behalf of the European Union on Zimbabwe", 16 April 2008, at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/99923.pdf. A 29 April meeting of the EU Council's General Affairs and External Relations Council (GAERC) reiterated concerns about the delay in release of the results and condemned the post-election violence, press release, Luxembourg, 29 April 2008, at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/100227.pdf.

⁹⁸ Civil society groups from across Africa and the West are planning a "Day of Action on Zimbabwe" on 25 May 2008.

⁹⁹ Simplicious Chirinda, "Western diplomats visit victims of Zim violence", *ZimOnline*, 10 May 2008.

¹⁰⁰ See, for example, Sue Plemming, "U.S. presses Zimbabwe on election monitors", Reuters, 12 May 2008.

¹⁰¹ Mark Tran and Sue Cullinan, "Brown calls for Zimbabwe arms embargo", *The Guardian*, 23 April 2008.

¹⁰² Daily Digest Bulletin, U.S. Department of State, 29 April 2008.

¹⁰³ The applause likely came from members of civil society in the audience rather than government representatives. For

pledges. Having provided generous financial support to ZANU-PF during the liberation struggle, Nordic countries believe they have a degree of moral authority when dealing with Zimbabwe that other Western countries lack – a sentiment shared to some extent by Zimbabweans.

2. The UN Security Council

Following a UK-led diplomatic push, the UN Security Council held an informal discussion on the situation in Zimbabwe on 29 April.¹⁰⁴ This at least increased chances for further Council engagement in the future, but member states were predictably divided over possible UN intervention. In a briefing to the Council, Under-Secretary-General for Political Affairs B. Lynn Pascoe offered the UN's good offices and other support "in conjunction with the AU and SADC to help resolve the issue".¹⁰⁵ The UK, U.S., France and Belgium among others raised the possibility of dispatching a UN fact-finding mission or a UN envoy to Zimbabwe, but Russia, China, South Africa and four other members voiced opposition to Council engagement, emphasising that SADC should remain the lead actor.¹⁰⁶

Having consistently blocked Council discussion of Zimbabwe in the past, South Africa, a non-permanent member and the April 2008 president, sought to downplay the significance of the meeting. Afterwards, its ambassador, Dumisani Kumalo, made it clear that Zimbabwe was not officially on the Council's agenda.¹⁰⁷ Secretary-General Ban Ki-moon has been personally engaged on Zimbabwe, making early calls for release of the results, expressing concern over the rising violence and saying that international observers will be

needed for future stages of the election process.¹⁰⁸ He has maintained close contact with key African leaders, including Presidents Mbeki, Kikwete and Mwanawasa, to discuss a UN role in supporting a credible run-off, including by providing technical assistance.¹⁰⁹

Tsvangirai has pushed for a UN mission to observe the second round. A UN presence prior and during the run-off or, failing that, UN support to African observers would lend important credibility to the poll and likely help restore the confidence of Zimbabwe's citizens in the election process. But it is highly unlikely that Mugabe would accept the observers unless under immense regional pressure. As a source close to ZANU-PF told Crisis Group, "asking Mugabe to invite international observers is akin to an athlete who has taken drugs volunteering to test before the race".¹¹⁰

V. MOVING FORWARD: AFRICAN-LED NEGOTIATIONS

A. AN EXPANDED SADC MEDIATION AND A DONOR COORDINATION GROUP

As the political crackdown intensifies, it is incumbent on African leaders to step in to end the violence and resolve the deepening crisis. Recent weeks have seen a flurry of diplomatic activity from South Africa, SADC and the AU. Those efforts now need to be coordinated and a high-level, long-term African mediation dispatched to Zimbabwe with clear objectives and strong oversight responsibilities.

President Mbeki may have positioned himself as the only African leader able to negotiate with Mugabe, but he has lost the confidence of the MDC, and his neutrality is in question. Pretoria's mediation must consequently be broadened to include other African actors considered more credible and even-handed. As AU Chair and a respected SADC leader, Kikwete is well-positioned to play a prominent role. At the same

the speech by Prime Minister Jens Stoltenberg, see www.regjeringen.no/en/dep/smk/primeminister/Prime-Minister-Jens-Stoltenberg/Speeches-and-Articles/speech-at-sadc-summit/speech-at-the-sadc-summit.html?id=508514.

¹⁰⁴ This was not the Security Council's first involvement with the Zimbabwe situation. In 2005, it considered the consequences of Operation Murambatsvina, the government-sponsored campaign to force many citizens out of the cities. See Crisis Group Africa Report N°97, *Zimbabwe's Operation Murambatsvina: The Tipping Point?*, 17 August 2005.

¹⁰⁵ See informal comments to the media by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on the situation in Zimbabwe, at www.un.org/webcast/stakeout.html.

¹⁰⁶ Crisis Group telephone interviews, Security Council member-state diplomats, 30 April 2008.

¹⁰⁷ See informal comments to the media on the situation in Zimbabwe by President of the Security Council and Permanent Representative of South Africa Dumisani Kumalo, at www.un.org/webcast/stakeout.html.

¹⁰⁸ See "Secretary-General urges swift release of Zimbabwean presidential poll results", UN News Centre, 7 April 2008, at www.un.org/apps/news/story.asp?NewsID=26227&Cr=zimbabwe&Cr1=; and "Secretary-General, closely following evolving situation in Zimbabwe, says international observers needed for future stages of electoral process", press release, 7 May 2008.

¹⁰⁹ Louis Charbonneau, "Ban discussing UN help for Zimbabwe re-run", Reuters, 6 May 2008.

¹¹⁰ Crisis Group interview, source close to ZANU-PF, 23 April 2008.

time, South Africa remains critical to any lasting resolution of the Zimbabwe crisis and cannot be sidelined.

One possible formulation being floated by SADC leaders involves establishment of a contact group jointly led by Kikwete and Mbeki and composed of key SADC countries like Angola, Botswana, South Africa, Tanzania and Zambia, each of which would second two representatives to a mediation team whose mission would have an open-ended duration. An African UN envoy could be seconded to the team to represent the broader international community.¹¹¹ A senior regional official has also indicated to Crisis Group that AU and SADC leaders are trying to broker a first-ever meeting between Mugabe and Tsvangirai.¹¹²

At the same time, Western donors have an important role to play in supporting Zimbabwe's transition to democracy. An informal Harare-based grouping of Western donors known as the "Fishmonger's Group" helps coordinate existing aid efforts in Zimbabwe and is also focused on preparations for reconstruction.¹¹³ The same Western donors have likewise been meeting in European capitals over the past year to coordinate their contribution to Zimbabwe's recovery should the political climate allow.¹¹⁴ The grouping has already set out principles for donor re-engagement, but it should clarify those terms and the sequence of actions that must be taken by a transitional government to re-establish donor support. Norway, which has a degree of moral authority in Zimbabwe and, since it is not an EU member, independence, could take the lead.

In the immediate term, the donor group should help coordinate support for regional, national and civil society run-off observer missions and provide the required financial resources for deployment of a massive AU and SADC presence. Regional observers will be in a position to make a fundamental difference only if they are in every constituency, supporting national observation teams.

¹¹¹ Crisis Group interview, SADC diplomat, Pretoria, 15 May 2008.

¹¹² Ibid.

¹¹³ The Fishmonger's Group is named for the restaurant in which it first met. It is chaired by the European Commission representative; other core members include Australia, Canada, France, Germany, the Netherlands, New Zealand, Norway, Sweden, the UK and U.S.

¹¹⁴ Meetings have taken place in London (March 2007) and The Hague (November 2007). A third is scheduled for another European country in the coming months; there are also plans for a possible pledging conference. Crisis Group telephone interview, European diplomat, 16 May 2008.

B. NEGOTIATION OPTIONS

An expanded SADC mediation, backed by quiet but concerted wider international support, should focus on two immediate alternative objectives: negotiating the establishment of a transitional government headed by Tsvangirai and involving substantial ZANU-PF participation that avoids the need for a run-off; and if that fails, negotiating the conditions for the holding of a free and fair run-off between Tsvangirai and Mugabe. In both cases, there will be a need to develop modalities and guarantees for ensuring the loyalty of the security services to the new government.

A negotiated settlement for a Tsvangirai-led transitional government

The current levels of violence and intimidation preclude the holding of a credible run-off. Even with strong external pressure, it is highly unlikely that Mugabe would accept the conditions for a free and fair run-off, since he would then face the prospect of a humiliating defeat. As ZANU-PF gears up for a second election, state-sponsored violence and the manipulation of food aid is likely to intensify, making it extremely difficult for citizens to vote according to their will. There is also a growing risk of a military coup, with senior army commanders seeking to restore order by taking pre-emptive action against a possible Tsvangirai victory. The first objective of a SADC mediation, therefore, should be to secure agreement between the MDC and ZANU-PF on a political solution, involving establishment of a transitional government, that avoids a problematic run-off, with its risk of even greater violence.

The March election results, coupled with Mugabe's resort to deadly violence in its wake, have given answers to two questions: Tsvangirai should be head of government, and Mugabe cannot be trusted with a further official role. As in the Kenya case earlier in 2008, such a political settlement would require a change in the constitutional structure, along with substantial participation and sharing of power by the MDC and ZANU-PF, including perhaps the creation of a ceremonial presidency that could be occupied by one of the ZANU-PF hardliners (though not Mugabe). In view of the critical role of the military in any successful transition, the mediation must also address as a priority how to ensure security-service support for a negotiated settlement and loyalty to the resulting transitional government.

Such a transitional government would have to have a reformist agenda, including adoption of a new constitution whose major points should be agreed as part of

the SADC-mediated negotiation, stabilisation of the economy and fresh, credible elections under an agreed timeframe. Any such political agreement would need to guarantee there will be no retribution against political opponents or security forces, and it would also require a clear commitment from Western countries to provide generous financial resources and political support to assist Zimbabwe's recovery and reconstruction. If talks on a transitional government make initial progress, a joint statement from donors outlining that commitment could help strengthen the hand of moderates within ZANU-PF and so facilitate the negotiations.

A credible run-off

The mediation must also work with the MDC and ZANU-PF to secure conditions for a free and fair environment in the second round of voting, with the cessation of political violence the top priority, in the event that negotiations to avoid a run-off fail. South Africa, SADC and Western countries have rightly said that current levels of political violence preclude a credible run-off. The mediation must accordingly pressure ZANU-PF to immediately end the violence and accept the following essential conditions:

- ❑ guarantees by a massive SADC/AU/UN presence for the security and total freedom of movement, association and expression for Tsvangirai and MDC electoral agents;¹¹⁵
- ❑ freedom for international relief organisations to distribute food throughout Zimbabwe;
- ❑ unrestricted access to radio and television for the MDC;
- ❑ the extensive presence of MDC party agents and local/international independent electoral observers in polling stations, including at least the former in all;
- ❑ deployment of SADC/AU/UN election observers a month prior to the poll – by 1 June at the latest if the 27 June date holds – who must remain on the ground until the election results are announced and accepted; and
- ❑ deployment of foreign civilian police to mentor and monitor the activities of Zimbabwe police units involved with election-related activities.¹¹⁶

¹¹⁵ Tsvangirai has repeatedly delayed his return to Zimbabwe, fearing an assassination attempt. "MDC leader fears assassination, cancels return", *The Mail and Guardian*, 17 May 2008.

¹¹⁶ Zimbabwe's police are deeply politicised and responsible for some of the most serious human rights abuses in the coun-

Once again, in view of the statements by hardline security sector officials that they will never salute Tsvangirai as a national leader, a negotiation must also address the modalities for ensuring military loyalty. Without such an effort, there is risk of military coup/imposition of martial law with consequent risk to a Tsvangirai presidency as well as of violent splits within the security sector.

If Tsvangirai wins the presidency in a run-off, he should, nevertheless, seek to form a government of national unity. This would be a political sacrifice, but a necessary one, if the country is to move toward stable democratic change. ZANU-PF has become more than a political party: it has, to varying degrees, merged with the security apparatus, key state institutions and areas of social and economic life. Even with control of parliament, the presidency and an electoral mandate, the MDC could not govern the country in its present condition without cooperation from and with ZANU-PF.

If Mugabe wins the run-off through fraud and/or violence and intimidation, his government should be declared illegitimate, rejected by SADC and the AU as well as Western donor states, and appropriate regional and wider international actions should be taken to deal with what would clearly be a rogue regime. The U.S. and EU, for example, should tighten their targeted sanctions on known hardliners in ZANU-PF and the security services, including by imposing travel bans on their family members that would deny their children the opportunity to study in Western countries. The Security Council should establish a commission of inquiry to investigate reports of torture, murder and widespread violations of human rights; that commission should in turn recommend appropriate accountability mechanisms, which might include referral to international legal authorities.

VI. CONCLUSION

Zimbabwe voted for change in the 29 March elections, but Mugabe and a clique of hardliners have sought to subvert the will of its people through deadly violence, intimidation and manipulation. With strong African-led mediation, concerted wider international backing and political will from both the MDC and moderate elements of ZANU-PF, a solution can be found to the crisis, but this will involve difficult political compromise.

try. See Crisis Group Report, *Prospects from a Flawed Election*, op. cit., p. 9.

If and when Tsvangirai comes to power, whether through a negotiated arrangement or the ballot box, he will have to reach out to his political opponents and form a government that provides security guarantees for Mugabe, the military and others and, for a certain transition period, includes ZANU-PF moderates. The former ruling party will need to accept the role of junior partner. However unpalatable to both sides, these political sacrifices will be essential if the country is to escape its long nightmare.

Pretoria/Brussels, 21 May 2008



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